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CANADA

Debates of the Senate

1st SESSION

• 39th PARLIAMENT

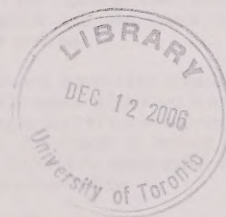
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OFFICIAL REPORT
(HANSARD)

Wednesday, November 1, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Wednesday, November 1, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

[English]

Prayers.

[Translation]

SENATORS' STATEMENTS

THE HONOURABLE JEAN LAPOINTE

CONGRATULATIONS ON RECEIVING AUDIO-VISUAL PRESERVATION TRUST OF CANADA MASTERWORKS AWARD

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I would like to bring to your attention the fact that last week, one of our colleagues, Senator Jean Lapointe, achieved distinction by being selected to receive a Masterworks Award. These awards are given out each year by the Audio-Visual Preservation Trust of Canada.

[English]

The Audio-Visual Preservation Trust of Canada is a partnership between the federal government and the private sector, whose mandate is to promote the preservation of Canada's audiovisual heritage and facilitate access to it. Each year, since the beginning of this decade, the Trust has recognized several culturally significant classics from the archives of the Canadian radio, film, television sound recording industries.

[Translation]

The Trust awarded the Honourable Jean Lapointe this prestigious honour in Toronto on October 26 in recognition of his exceptional contribution to Canada's cultural heritage as the lead actor in the television series *Duplessis*.

Produced by Radio-Canada in 1977 and aired across Canada in both official languages, the *Duplessis* television series is a masterwork that brings to life a very important era in contemporary Quebec history. Many commentators have said that Jean Lapointe's brilliant portrayal of Maurice Duplessis is the one that Canadians are most familiar with and that best explains the strong and controversial man who left an indelible mark on his province.

Honourable senators, as an actor, artist, poet, singer-songwriter, troubadour or parliamentarian, Senator Lapointe never ceases to move us and touch us with his many talents, his warmth and his modesty.

• (1335)

Not only has he brought honour to the world of arts, culture and performance, his presence brings great honour to this institution as well.

I would like to express my sincere congratulations to Senator Lapointe on being selected to receive this prestigious award and I invite all of my colleagues to give him a big round of applause.

UNITED STATES PROPOSAL TO HOLD LIVE FIRE EXERCISES ON GREAT LAKES

RESPONSE BY KINGSTON CITY COUNCIL

Hon. Hugh Segal: Honourable senators, I wish to bring to your attention a resolution passed on October 24 by the council of the Corporation of the City of Kingston with respect to Canada-U.S. relations.

WHEREAS the proposal by the US Coast Guard to conduct live-fire training exercises within designated safety zones on the Great Lakes may constitute a risk to the quality of the City of Kingston's drinking water supply, recreational boating and fishing industries and contribute to the cumulative degradation of the aquatic environment of the Great Lakes;

THEREFORE BE IT RESOLVED THAT City Council direct staff to correspond with the United States Coast Guard, the United States Environmental Protection Agency and Environment Canada expressing our concern over the proposed activity and requesting that exercises not take place until a proper consultation with all affected parties can take place;

— and further —

THAT City Council directs staff to correspond with the appropriate City representatives of the City of Windsor, Ontario and Duluth, Minnesota expressing the City of Kingston's willingness to add our voice to their opposition to the practice of live-fire exercises within the Great Lakes waterways;

— and further —

THAT City Council directs staff to correspond with our Canadian Great Lakes neighbours in Belleville, Quinte West, Gananoque, Brockville, Prescott and Cornwall, informing them of the situation and requesting they join us in voicing concern and opposition to the proposed practice of live-fire exercises.

I wish to put on the record, honourable senators, that the lack of discussion with their Canadian neighbours is a diversion by the Americans from our long history of naval cooperation. It may be within the right of the Americans to initiate these exercises. I believe that the close diplomatic relationship we share should afford us the courtesy of consultation.

The Government of Canada is currently reviewing the environmental and safety impacts of these tests. I hope that testing will not begin after the November 12 date set by the Americans, that our two countries might come to some agreement regarding any impact such exercises might have north of the forty-ninth parallel, and proper consultation will take place on both sides of our common border.

[Translation]

IMPORTANT ROLE OF MILITARY FAMILIES IN MILITARY LIFE

Hon. Lucie Pépin: Honourable senators, as we mentioned yesterday, a contingent of 76 soldiers from Valcartier left Quebec City last Monday, on their way to Afghanistan. These soldiers will join some 3,000 soldiers, sailors and Air Force members who are already serving on missions somewhere around the world.

Our armed forces are called upon more and more to endure very difficult conditions. This situation causes increased stress on Canadian Forces members, as well as on their families, who must now go through even longer periods of separation.

More than ever before, given the dangerous context of the missions, support for the families is extremely important, especially because, without the moral support of their families, our soldiers could not properly carry out their tours of duty. I am sure that all senators are proud of our Canadian Forces members and wish only to demonstrate their pride. Personally, I believe that one of the best ways to back our soldiers is by supporting the partners they have left behind.

[English]

As I have previously stated in this chamber, we recognize that all our soldiers' spouses are heroes, just as our soldiers are heroes. We do not say much about these women when we talk about the Canadian Forces, but they are there always at their spouse's side.

These women are just as dedicated to the Canadian Forces. Their lives, too, are shaped by the military, with its frequent moves and a lifestyle a world apart from that of civilians. These women and their children live in unique circumstances and must often face numerous financial, professional, personal and emotional challenges.

These past years, I have noticed the remarkable courage of military spouses, especially when their partners are on missions overseas. During this period, their days are filled with the anguish of knowing their spouses are facing danger. Without complaint they strive forward beyond the debates, rumours and comments linked to the deployment of their spouses overseas.

• (1340)

[Translation]

Honourable senators, I invite you to show your support for the spouses and children of our soldiers every time you have the opportunity. There are many ways to help families feel they are not alone. One of the best ways is to tell them how much we appreciate their sacrifice and to let them know we recognize that they do not have an easy life.

Honourable senators, we ask a lot of our troops. In turn, they ask that during these difficult times, Canadians stand not only behind them, but beside their families.

[English]

Support our troops by supporting military families.

GAINER THE GOPHER DECLARED PERSONA NON GRATA IN CALGARY

Hon. David Tkachuk: Honourable senators, a significant event is taking place on the Prairies. It is so significant that it may do damage to the nation, or to paraphrase Michael Ignatieff, both our nations. The usually confident — some might say cocky, if that word is still politically correct — Albertans, specifically the Calgary Stampede, are blocking the appearance of the Saskatchewan Roughrider mascot from appearing at McMahon Stadium this weekend.

Yes, Gainer the Gopher will not be allowed to be there for the semi-final game. There is still an investigation going on as to whether he is banned from Calgary, but he is definitely banned from McMahon Stadium.

Some might wonder why this crass discriminatory act is taking place. After all, gophers are not rats, which Alberta has banned for decades, and successfully so.

Judging from the reaction to the number one talk show in Saskatchewan, *John Gormley Live*, many in our province are deeply concerned that the Albertans may end up banning people from Saskatchewan next.

Where would we find work? This is not a laughing matter. There are those in our province who do not care. Rider's defensive back, Scott Schultz, was quoted as saying: "Gainer does not even wear pants. I would not let him in there, either." That is easy for him to say. He has a job.

This is the hot topic of discussion. Some in the Saskatchewan legislature are speculating that it was a Tory plot engineered by the Prime Minister, who has been rumoured to be beholden to the Alberta football teams, to confuse Gainer with the income trust announcements. Owing to the Prime Minister's edict, of course, no Saskatchewan or Alberta ministers are able to comment on this matter. Ralph Goodale has said that this is all due to greenhouse gases.

Frankly, it is to quiet the thousands of Saskatchewan Roughrider fans who will be in McMahon Stadium this weekend, cheering for the Roughriders. All those Saskatchewan expatriates living in Calgary are still cheering for the green and white. Go, riders, go.

WORLD WAR I

NINETIETH ANNIVERSARY OF BATTLES OF THE SOMME AND BEAUMONT-HAMEL

Hon. Elizabeth Hubley: Honourable senators, on July 1, when Canadians were celebrating Canada Day, a delegation of veterans, parliamentarians, government officials and students gathered at a war memorial in France to mark the ninetyeth anniversary of tragic and remarkable events in our history. I am speaking about the battles of the Somme and Beaumont-Hamel during the First World War, in which many soldiers of the then-Dominion of Newfoundland and Labrador especially paid

the great sacrifice. Of the 801 Newfoundlanders who went into battle on that morning of July 1, 1916, only 68 were able to respond to roll call the following day.

Soldiers from the Canadian corps did not join the fighting until late in the summer, but when they did the carnage was tremendous, and before the main attack had even begun they suffered more than 2,600 casualties.

This summer's ceremony of remembrance took place at the Beaumont-Hamel Newfoundland Memorial. Dignitaries attending the ceremony included the Minister of Veterans Affairs, the Honourable Greg Thompson; Minister of Fisheries and Oceans, the Honourable Loyola Hearn; Newfoundland and Labrador Lieutenant-Governor, His Honour Edward Roberts; Newfoundland and Labrador Premier, the Honourable Danny Williams; Senator Bill Rompkey; and the Canadian Ambassador to France, Mr. Claude Laverdure.

• (1345)

A small group of veterans also were in attendance to remember and pay homage to their fallen comrades, as well as a group of young Canadians from the provinces and territories. The depth of emotion and mutual understanding between the two groups was great.

Honourable senators, as Canadians we honour and respect our veterans, and as parliamentarians we enact legislation to ensure they have an acceptable quality of life. However, coming face-to-face with their deeds of epic courage, dedication to duty and sacrifice, as we did this summer in France, was an unforgettable experience for me personally. Many tears were shed as words fell short of adequately expressing our feelings and our gratitude.

LITERACY ACTION DAY

Hon. Joyce Fairbairn: Honourable senators, over the last few weeks we have had a vigorous exchange in the Senate of views, concerns and hopes on the issue of literacy in Canada. Those discussions will no doubt continue with a view to offering the best possible opportunities to those who need help in learning all across the country.

On November 9, all of us will have an opportunity to meet and hear from those who work with this difficult issue and learners who have benefited from that help in each province and territory as they make their annual visit to Parliament Hill for Literacy Action Day. This day is organized by the Movement for Canadian Literacy and Le Federation canadienne pour l'alphabétisation en français, with the assistance of our other national organizations — Frontier College, Laubach Literacy, ABC Canada, the National Adult Literacy Database, and the newest member, the National Indigenous Literacy Association. Without their support, we would not have a literacy movement on the ground in the cities, towns and villages in every province and territory in Canada.

For the past 13 years, members of Parliament and senators have opened their doors to meet with people from their ridings and provinces who can tell them directly how the movement is doing and what can be done to make it better. Each of us has received an invitation to join in the Literacy Action Day luncheon at noon

in room 256-S, where Senator Cochrane and myself will welcome all of you and representatives from each party in the House of Commons. We hope you will participate in a day that is greatly appreciated by all those who work in the literacy community.

[Translation]

ROUTINE PROCEEDINGS

MEDICAL DEVICES REGISTRY BILL

FIRST READING

Hon. Mac Harb presented Bill S-221, to establish and maintain a national registry of medical devices.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Harb, bill placed on the Orders of the Day for second reading two days hence.

• (1350)

[English]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

COUNCIL OF STATE GOVERNMENTS
EASTERN REGIONAL CONFERENCE,
JULY 30-AUGUST 2, 2006-REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation to the Canada-United States Inter-Parliamentary Group respecting its participation at the forty-sixth annual meeting and Regional Policy Forum of the Council of State Governments, Eastern Regional Conference, held in Philadelphia, Pennsylvania, from July 30 to August 2, 2006.

COUNCIL OF STATE GOVERNMENTS
WESTERN ANNUAL MEETING,
AUGUST 10-13, 2006-REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation to the Canada-United States Inter-Parliamentary Group respecting its participation at the 2006 annual meeting of the Council of State Governments, West: Alliance with an Altitude, held in Breckenridge, Colorado, from August 10 to 13, 2006.

MEETING OF CANADIAN/AMERICAN BORDER TRADE
ALLIANCE, SEPTEMBER 10-12, 2006-REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation to the Canada-United States Inter-Parliamentary Group respecting its participation at the

meeting of Canadian/American Border Trade Alliance—U.S./Canadian Border: A Unified Focus, held in Washington, D.C., from September 10 to 12, 2006.

[English]

QUESTION PERIOD

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER DOCUMENTS FROM PREVIOUS PARLIAMENTS FOR STUDY ON BILL S-213

Hon. John G. Bryden: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs in relation to:

- Bill C-15B, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act during the First Session of the Thirty-Seventh Parliament;
- Bill C-10, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, and Bill C-10B, Act to amend the Criminal Code (cruelty to animals) during the Second Session of the Thirty-Seventh Parliament;
- Bill C-22, An Act to amend the Criminal Code (cruelty to animals) during the Third Session of the Thirty-Seventh Parliament; and
- Bill S-24, An Act to amend the Criminal Code (cruelty to animals) during the First Session of the Thirty-Eighth Parliament;

be referred to the Committee for its study on Bill S-213, An Act to amend the Criminal Code (cruelty to animals).

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Maria Chaput: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Official Languages have the power to sit on Monday, November 6, 2006 at 4 p.m., even though the Senate may then be sitting, and that Rule 95(4) be suspended in relation thereto.

FINANCE

INCOME TRUSTS—CHANGE IN TAX TREATMENT

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate. Yesterday, the Minister of Finance made an announcement that took me by surprise, and I think all other Canadians, particularly because, in its election platform before the January 23, 2006 election, the Conservative Party made a commitment, which could not be clearer, not to do that.

I have several pages of confirmation, but I will quote only one:

A Conservative government will:

Stop the Liberal attack on retirement savings and preserve income trusts by not imposing any new taxes on them.

So says the Conservative Party of Canada backgrounder, entitled, "Security for seniors", dated September 9, 2005.

• (1355)

My surprise and disappointment is also reinforced by looking at today's market.

An Hon. Senator: How much did you lose?

Senator Hays: How much did you lose?

The index for income trusts, which was at well over \$200 billion, has lost almost \$30 billion in value in the last few hours. Because it is an income type instrument, the market is well able to calculate the decreased value of the asset based on the new tax treatment that was announced by the minister yesterday.

My question is this: What has changed between the time the Conservative Party made this commitment to Canadians and the announcement made yesterday?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Hays for his question.

First, the portion that the honourable senator read from our platform is correct. We were specifically dealing with seniors in our policy platform. Of course, in our platform there was no mention of maintaining a huge benefit on the income trusts for large corporations.

The fact is — and I think it was borne out by watching the markets this morning — the income trusts market is volatile, and we knew it would be. However, other parts of the market are performing strongly.

Minister Flaherty did something that I am sure Minister Goodale in the previous government wanted to do. However, the conflicting signals coming from the Department of Finance caused a situation whereby what he wanted to do and what was done were two different things.

After caucus this morning, I watched a gentleman representing the Canadian Association of Retired Persons on *CBC Newsworld*. He was well pleased with what the government has done in terms of seniors.

First, anyone in an income trust plan at the moment will have four years in which to handle their portfolios. Second, with regard to income splitting — something for which seniors have been calling for some time — seniors were pleased. As well, they were also pleased with the \$1,000 increase in the age credit amount for seniors.

All in all, once people have had a chance to digest this decision, they will realize that this program could not have continued because the program unfairly shifted the tax burden onto the backs of ordinary individual Canadians and their families. We are not in government to create tax havens for large corporations.

Some Hon. Senators: Oh, oh!

Senator Hays: Madam Minister, I am sorry, but Canadians would not have put their confidence in a particular instrument that was marketed had they not believed that the government of the day meant in its platform in the last election that it would not change the tax treatment of income trusts. This decision is nothing more than a broken promise.

On the treatment of resource revenues, Premier Williams and Premier Calvert have made their complaints known. That was transformed from a promise into a preference. This decision is a flat out reversal on a position taken, which I am sure helped the leader's party a great deal in the last election.

• (1400)

One of the quotes I will read — and I did not see the senior that you saw — is from *The Globe and Mail* today in an article by Brian Laghi.

'I would suggest there is going to be a political backlash when the Tory candidate comes and knocks on the door,' said Sandy McIntyre, senior vice-president of Sentry Select Capital.

They have just elected a Liberal government. I think it matters that much.

What has happened to bring about this reversal, which comes at a great cost to seniors — the ones that you want to help? I appreciate that the government is offering some benefits but they do not hold a candle to the \$30 billion that disappeared in the last few hours.

Senator LeBreton: Honourable senators, since we are into the business of quoting people, how about I quote from an article by Eric Reguly in the same edition of *The Globe and Mail*:

Jim Flaherty is exceedingly brave...the man did the right thing.

Or how about Don Drummond, well known to us all, chief economist at the TD Bank, who said on *Canada AM*:

You can debate the merits of the action, but I think that to come out with a clear statement was absolutely terrifically positive.

Or how about Steven Chase from *The Globe and Mail*, since the Leader of the Opposition is talking about today's issue of *The Globe and Mail*:

The Tories are tackling what the Liberals left unfinished last year.

Some Hon. Senators: Hear, hear!

Senator LeBreton: Most Canadian seniors whom I know — and I happen to be one of them — are happy that the government has finally addressed the issue of income splitting. It will help seniors immensely. As most of the economists and observers have stated this morning, this situation was shifting the tax burden, if it were allowed to continue, onto the backs of individual, ordinary, everyday Canadians, seniors included. Seniors who have money in these income trusts, as this gentleman pointed out this morning, need not be alarmed. They have four years to deal with their investments.

This gentleman from the Canadian Association of Retired Persons pointed out that for the seniors he represents, the major announcement, as far as these seniors were concerned yesterday, was the income splitting announcement.

Senator Hays: The major announcement was changing the tax treatment of income trusts and I like my quote better than the honourable leader's.

The question remains: If the government was planning to do something in this area, many alternatives were offered that are less draconian. The government has chosen the most draconian approach with the most awful result for seniors and people who have their savings in these income trusts. These seniors feel betrayed, having been promised that this change would not happen.

Therefore, for the last time, I ask what has happened to make this the policy of the Department of Finance in the face of what was promised and in the face of the other suggestions that would have seen a change in the tax treatment of income trusts? Any change would also have been a broken promise but other alternatives would not have produced this disastrous result.

Senator LeBreton: I do not accept that this result is disastrous at all. The problem, when you cut right down to it, is that the Liberal Party cannot understand how we could announce a major tax measure like this without leaking it all over the place. I think that issue is probably what is bothering the honourable senator more than anything else.

With respect to the matter of seniors, once the market adjusts and we get through today, and there is no question we knew this day would be volatile for the markets, the tax fairness plan for seniors will provide over \$1 billion annually to Canadians in new tax relief to Canadian pensioners and seniors through two major initiatives.

• (1405)

First, we will permit income splitting for pensioners beginning in 2007, and second, we are increasing the age credit amount by \$1,000, from \$4,066 to \$5,066, retroactive to January 1, 2006. These two good measures will significantly enhance the incentives to save and invest for family retirement security.

THE SENATE

REQUEST FOR CHANGE TO RULES TO MAKE MINISTER OF PUBLIC WORKS AND GOVERNMENT SERVICES ACCOUNTABLE FOR POLITICAL RESPONSIBILITY TO MONTREAL

Hon. Francis Fox: Honourable senators, yesterday the Speaker of the Senate handed down a precedent-based ruling precluding questions being put to the Minister of Public Works on the responsibilities assigned to him by the Prime Minister as minister responsible for Montreal. In view of the fact that one of the main reasons for the appointment of the senator from Montreal to the cabinet was the absence of government representation from Montreal, and given that the Senate is master of its own proceedings, would the Leader of the Government in the Senate support changes or an exception to the rules to allow the minister responsible for Montreal to respond to questions on his Montreal responsibilities, thereby making him accountable?

Hon. Marjory LeBreton (Leader of the Government): As much as I appreciate the assistance of my colleague Senator Fortier — a talented individual whose primary responsibility upon being named to the cabinet was the Department of Public Works, where he is doing an outstanding job — far be it from me, in my relatively new role as Leader of the Government in the Senate, to ever challenge the ruling of a Speaker.

Hon. Dennis Dawson: In 1979, I was in the other place, as we often say, and I remember when Jacques Flynn was in the Senate. He would answer questions. I have to go back to 1979 because when Mr. Flaherty talks, I sort of remember “short-term pain for long-term gain.” Is he trying to make Mr. Crosbie look good?

If you Google “Michael Fortier, minister,” nine times out of ten “minister for Montreal” will show up. I am asking, as did my friend Senator Fox, whether we can change the rules. If Senator Fortier is the minister responsible for Montreal, we would like to ask him a few questions. I have a few questions on Quebec.

Senator Mercer: We want transparency.

Senator Angus: We want change.

Senator LeBreton: I thank the honourable senator for his question. I certainly remember 1979. Jacques Flynn was the government leader in the Senate during the Clark government.

In the Senate, we have rules and we have a Rules Committee. I am quite certain that the Rules Committee would be happy to hear the honourable senator's submissions. Perhaps he could refer the question to that committee.

In my position as Leader of the Government in the Senate, the rules are the rules, as my father used to say to me, and I am not in a position to change them.

[Senator LeBreton]

FINANCE

INCOME TRUSTS—CHANGE IN TAX TREATMENT

Hon. Larry W. Campbell: I note that the Leader of the Government in the Senate continually refers to economists when she is looking at the changes to income trusts. I would remind honourable senators that the definition of an economist, including the Prime Minister, is an accountant with a bad personality.

We keep hearing about how these changes will help seniors, or that it was all about the seniors in the last session. I would like to bring to your attention a quotation from Mr. Solberg:

Mr. Speaker, if the finance minister is really so concerned, then why does he not do something about it? Why does he not stand in his place right now and say without equivocation that income trusts are here to stay and he will not implement taxes on them?

There is no mention of seniors; simply that income trusts are here to stay. That was from Mr. Solberg. I wonder what his position is on this matter now?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I suppose that is why Minister Solberg is Minister of Citizenship and Immigration and Minister Flaherty is Minister of Finance.

Senator Mercer: Great combination.

• (1410)

CANADIAN WHEAT BOARD

WHEAT GROWERS—PROPOSAL FOR PLEBISCITE— REMOVAL OF WHEAT FARMERS FROM VOTERS LIST

Hon. Lorna Milne: Honourable senators, my question is to the Leader of the Government in the Senate. On Monday, Minister Strahl released his task force report on the Canadian Wheat Board, which recommended that a plebiscite be held among members on proposed changes to the board's operations. Yesterday, Minister Strahl announced that a vote would be held among the barley growers. For that, I congratulate him. However, barley growers represent only a small proportion of the members of the Canadian Wheat Board. Why not hold a plebiscite among the wheat growers, too? Is Minister Strahl afraid of the results?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. No, Minister Strahl is not afraid of the results. We campaigned on marketing choice. The barley producers are a specific group and they are ready to go. Minister Strahl supports the plebiscite amongst the barley growers.

As the honourable senator knows, the task force reported to Minister Strahl a few days ago. He is studying their recommendations and making every effort to accommodate all points of view on the matter. At the end of the day, the question is marketing choice.

On the matter of the Wheat Board, I should draw the following to the attention of honourable senators, because members in the other place have also been asking questions about this matter. The House of Commons Standing Committee on Agriculture and Agri-Food report, *The Future Role of Government in Agriculture*, recommended:

That the board of directors of the Canadian Wheat Board authorize, on a trial basis, a free market for the sale of wheat and barley.

That is recommendation number 14 of this report, which was released in June of 2002. The committee was chaired by Liberal MP Charles Hubbard and included current Liberal MPs Paul Steckle and Mark Eyking. Mr. Steckle is currently the associate agriculture critic.

On this particular issue, there is support for marketing choice not only on this side but also this view is shared by some of the honourable senator's colleagues in the other place.

Senator Milne: I thank the honourable senator for her answer. In fact, honourable senators, the results of any election already have been skewed. The removal of 16,000 grain growers from the voters list for the Canadian Wheat Board was based on improper procedure and on slanted and deeply flawed information. The removal happened after these grain growers had already been informed, back on September 5, that the election was on and that they would be receiving their ballots shortly. The removal was based on their production of grain over two years, 2005 and 2006. For the information of honourable senators, this year's production is still unknown; it is basically zero at this point. Much of this year's grain crop is still on the farm; it has not yet been sold.

Last year, 2005, was a disastrous year for grain growers. Because of the weather, most Western grain growers had to sell their crop as feed grain, which is of such poor quality that it is not handled by the Canadian Wheat Board at all. In order to become reinstated on the voters list, each one of these 16,000 farmers must first apply to the Wheat Board election returning officer for an affidavit form. Second, they must find and pay either a notary public or a lawyer to witness their signature on the affidavit. I remind senators that these are rural people who live perhaps 100 miles from the closest lawyer or notary public. Third, they must send their signed affidavit back to the returning officer.

Is the Leader of the Government in the Senate also aware of how unfairly this government is treating these 16,000 Western farmers? On their behalf, will the Leader of the Government in the Senate ask her fellow cabinet members to take another look at this issue? Will she ask Minister Strahl to call a plebiscite among the wheat farmers?

• (1415)

Senator LeBreton: I thank the honourable senator for her question. She is quite right: There are people who are not on the potential voters list for directors elections who, apparently, have not been producing for two years. Their names can be reinstated on the list after they make a statutory declaration that they are currently involved in the grain business.

The Wheat Board is working with an elections coordinator to compile a voters list on the basis of those who have sold and delivered grain to the Wheat Board in the last two crop years. These elections are being conducted by an independent chartered accountancy firm selected by the Wheat Board.

I simply wish to express my confidence that this is a fair process. It is being conducted, as I mentioned, by independent chartered accountants. I believe that anyone who makes the statement and can prove that they are still operating in the industry will have the right to vote.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—WHEAT SALES TO UNITED STATES—DIFFERENCE IN RIGHTS BETWEEN ONTARIO AND WESTERN FARMERS

Hon. Leonard J. Gustafson: Honourable senators, for clarification I wish to ask the Leader of the Government in the Senate this question: How is it that the Ontario farmer can sell his wheat to the United States? In fact, 80 per cent of the grain grown in Ontario is presently sold to the United States. A western farmer cannot do that. Why is it that our farmers should be prohibited from doing that?

Hon. Marjory LeBreton (Leader of the Government): That is one of the reasons why I was interested in the questions posed by Senator Milne, an Ontario senator. The thought crossed my mind that there is no Wheat Board in Ontario, although Ontario does grow a considerable amount of wheat.

Senator Gustafson is quite right: Farmers in Ontario are free to sell their product on the common market. That is exactly what some producers in Western Canada want to do. That is exactly why we campaigned quite openly and fairly prior to the last election on the whole issue of marketing choice.

Senator Bryden: Like income trusts.

FINANCE

INCOME TRUSTS—CANADIAN WHEAT BOARD— INCONSISTENCY IN POLICY

Hon. Larry W. Campbell: Honourable senators, I would like to know exactly where the leader is coming from. On the one hand, we are beating back big business with income trusts. On the other hand, we are promoting big business by getting rid of the Wheat Board.

I would ask the Leader of the Government in the Senate to request of her colleagues that they allow independent observers from another country to watch the Wheat Board elections, in order to ensure impartiality. Furthermore, I would ask that they consult with the Chief Electoral Officer to assist in choosing the observers.

Hon. Marjory LeBreton (Leader of the Government): I was raised on a farm, honourable senators. Although we thought we were pretty big, we were not big business.

I simply go back to what I said: Prior to the last election, the government campaigned on marketing choice. That is exactly the option that we want to pursue.

JUSTICE

ABOLISHMENT OF LAW COMMISSION OF CANADA

Hon. Tommy Banks: Honourable senators, my question is to the Leader of the Government in the Senate. First, I wish to say that the answer given about Minister Solberg is the best answer I have heard for a long time from anybody, anywhere.

My question, however, is on a different subject. I am holding in my hand an act of Parliament called the Law Commission of Canada Act. This is an act of Parliament that was assented to on May 29, 1996, and came into force on April 21, 1997. This is not a resolution, or a motion, or a suggestion: It is an act of Parliament. In the same sense, Moses did not come down from the mountain with 10 suggestions; he came down with Ten Commandments. In a way, this is a commandment. As I understand it, although I may be disabused of this impression, the government executive is a function of Parliament. Parliament is not a function of government. In the case of this act, the government has defied, if I may say, the express will of Parliament. This act of Parliament set into place the Law Commission of Canada, which was up and running and providing a well-known and valuable service to government.

• (1420)

Rather than come to Parliament when the government disagrees with the existence of this act and its resulting organization to ask Parliament to reconsider the matter and to rescind the act, which is Parliament's prerogative, it decided to end, not merely reduce, the budget of the Law Commission of Canada. The government seeks to do indirectly something that it may not do directly, and has not even asked to do it directly.

How is it possible that this government has decided to do what it wishes to do, notwithstanding what it may have been obliged to do by an act of Parliament?

Hon. Marjory LeBreton (Leader of the Government): I thank the Honourable Senator Banks for his question. Like many policy areas of government, no matter what the political stripe, there comes a time when such agencies or commissions are no longer relevant or required. The decision of the government in its cost-savings initiative was to not continue funding to the Law Commission of Canada.

In respect of the legality of Parliament rescinding, not pursuing, not following through on or applying a sunset clause to certain acts, I shall obtain the information for the honourable senator in a delayed answer as soon as possible.

FUNDING FOR LEGAL AID

Hon. Mobina S. B. Jaffer: My question is to the Leader of the Government in the Senate. Will her government commit to restoring the funding for legal aid? When the Minister of Justice met with his provincial counterparts, it is my understanding that

no commitment was made to restore the funding. Will the government restore some legal aid funding on a permanent basis?

Hon. Marjory LeBreton (Leader of the Government): I thank the Honourable Senator Jaffer for her question. Our government and the previous government are well aware that the provinces and territories are experiencing considerable pressure in the area of legal aid, for which the federal funding was scheduled to end on March 31, 2006. However, this government decided to extend the existing funding levels for one year. The extension will allow the Government of Canada to work closely with the provincial and territorial officials to develop a long-term approach to legal aid. Many are aware that the problem is not only the money but also the entire structure of the legal aid system, which needs to be looked at by the provinces and territories.

The funding has been extended to March 2007 so that the government can work with the provinces and the territories to develop a long-term approach to a legal aid system.

• (1425)

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a response to a question raised in the Senate on October 17, 2006, by Senator Rompkey regarding the Fallow Field legislation.

NATURAL RESOURCES

PROPOSED FALLOW FIELD LEGISLATION

(Response to question raised by Hon. Bill Rompkey on October 17, 2006)

The Government of Canada is committed to promoting competitive market principles and working to provide investors with long-term stability and transparency, especially with respect to predictable fiscal and regulatory regimes.

We are interested in growing the Atlantic Canada offshore oil and gas industry for the benefit of Canada and the Atlantic region in particular. The Atlantic Canada offshore oil and gas sector makes an important contribution to social and economic well-being of the region.

The Government of Canada has been working closely with our provincial government partners and other stakeholders in a forum called the Atlantic Energy Roundtable in making the Atlantic Canada offshore a more attractive investment opportunity.

The Roundtable has proven to be an effective forum for governments, offshore operators, supply and service companies, labour and regulators to discuss issues and opportunities of common interest.

Together, we have brought about significant achievements in the three areas of focus: developing effective and efficient regulatory systems, reducing

exploration and development costs, and increasing opportunities for local supply and service companies.

The Government of Canada continues to discuss opportunities and challenges in the Canada-Newfoundland and Labrador offshore area with the provincial government.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that when we proceed to Government Business, the Senate will address the items beginning with Item No. 1, under Reports of Committees, followed by the other items in the order in which they stand on the Order Paper.

[English]

FEDERAL ACCOUNTABILITY BILL

REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Comeau, for the adoption of the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, with amendments and observations), presented in the Senate on October 26, 2006.

MOTION IN AMENDMENT

Hon. Lorna Milne: Honourable senators, I move:

That the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs be not now adopted but that it be amended at amendment No. 146(a) by adding, in the French version, after the word "Commission," the following:

"ou le renouvellement de son mandat."

The Hon. the Speaker: Honourable senators will recall that amendments by way of a house order can be made, and we will deal with them subsequently.

Senator Cools, on a point of order.

Hon. Anne C. Cools: This is not particularly relevant personally to Senator Milne, but yesterday I noted that the leaders rose in their places and spoke of the agreement to allow amendments to be stacked. That is my recollection. I know that the Senate has done this sort of thing before, particularly at third reading.

My question in respect of my point of order is that this is not the bill per se; this is a report that is before us. Could the leaders or someone explain to me this novel process whereby a Senate committee report will be amended here on the floor? I know it has happened once or twice, but it certainly cannot be described as a practice.

It seems to me, in olden times, if it were the will of the house and of the senators that the committee report was in need of amendment, that report had to go back to the committee to be amended therein.

I am not speaking against Senator Milne's amendment at all. I am just inquiring about the process. Perhaps we could have some sort of clarification on this phenomenon of, willy-nilly, amending a report of a committee here on the floor of the house.

A committee report is the creature of the committee and does involve the committee to a large extent. Maybe there is an explanation. Maybe I am just a dinosaur or maybe this is something from even more distant olden times. Most parliamentary practices are slipping into dissuasion, as they say.

The Hon. the Speaker: I thank the honourable senator for raising that point. Perhaps the chair will be able to bring clarification.

On page 678 of the *Journals of the Senate*, you will read the order of the house. It says:

... with respect to the debate on the motion for the adoption of the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs, motions in amendment and subamendment be allowed for debate simultaneously without setting aside debate on the motion for the adoption of the report, and, at the conclusion of the debate, all questions be put to dispose of any and all subamendments, amendments and the main motion.

• (1430)

Senator Cools: That is not the point.

The Hon. the Speaker: As amendments are made to the report at the end of that debate, there will be a determination by the house as to what that report will look like. If amendments are made to parts of the report that effectively change the shape of the report as far as the bill is concerned, when it gets to third reading we will still have an opportunity to move amendments.

We are at report stage. It is the house order that we proceed this way. It has also now been confirmed by the chair.

Senator Milne: Honourable senators, perhaps in explanation I should say that this amendment is a technical amendment that corrects a mistake in the French translation of the report; it was caught by our Senate legal counsel.

I sincerely hope this discussion is not taking from my time, honourable senators, as I am now pleased to explain some of the amendments that were made in committee to this far-reaching legislation, Bill C-2.

Before I begin my comments in earnest, I want to thank the chair of the Standing Senate Committee on Legal and Constitutional Affairs, the Honourable Senator Oliver, for both his contributions during our investigation into this bill and for his exhibition of grace under pressure. His fair and balanced approach during our meetings was much appreciated and I look forward to working with him and the other members of the committee during future examinations of this government's law and order agenda.

I particularly want to extend both my thanks and my gratitude to the staff of the committee and the Library of Parliament for their extraordinary efforts on this bill.

Honourable senators, this act presented a significant challenge for your committee. Bill C-2 contains 317 legislative clauses spelled out over 214 pages and was the subject of over 100 hours of committee testimony from almost 150 witnesses. During our 30 meetings on this bill, it became increasingly apparent that this legislative project was in dire need of a thorough review, regardless of what was said in the media and by some members in the other place.

The legislation that was brought before your committee amends 45 acts of Parliament. I want to comment on one of the many topics covered in Bill C-2 in which I took a particular interest, the proposed changes to the Access to Information Act.

A number of provisions found in Bill C-2 will expand the coverage of the Access to Information Act to include foundations created under federal statute, Crown corporations and a number of officers of Parliament. I believe this expansion is a good thing. However, after reviewing these provisions, members of your committee believe that there were cases where the balance between Canadians' right to know and what information needs to be withheld for the greater good was not properly struck in Bill C-2. In some cases, the bill does not go far enough.

However, in other cases, honourable senators, this bill, as it was presented to your committee, goes too far and does not protect confidential and commercially sensitive information that has been gathered, in the past, by foundations, Crown corporations and officers of Parliament.

A case that symbolized this argument was the one brought to the attention of your committee by Sustainable Development Technology Canada, SDTC. This entity was created to help bring to the market new technologies that create solutions for clean air, greenhouse gas reductions, clean water and clean soil. Ninety per cent of SDTC's funding recipients are small- and medium-sized enterprises whose future is entirely dependent on SDTC's ability to keep their intellectual property secret until it can be patented.

We found that their organization is similar in nature to Export Development Canada and the Business Development Bank of Canada in that their ability to function is based on handling third-party confidential information. In addition, it was noted that since SDTC's inception, they have had a mechanism established for handling confidentiality, which was stipulated in their original mandate.

Until the introduction of Bill C-2, they had always been able to provide a guarantee that they would not release their clients' confidential information. Therefore, your committee unanimously agreed to provide increased protection to this foundation to ensure the confidentiality of their applicants' information.

However, there was one amendment proposed by SDTC that all committee members could also agree upon, and that amendment concerned the removal of the retrospective and retroactive nature of the Access to Information Act changes in Bill C-2. Before being amended by your committee, Bill C-2 provided access-to-information requesters with access to all the records in their possession held by officers of Parliament and the foundations, once the bill came into force, regardless of how long ago they were obtained or produced, or under what guarantee or expectation of confidentiality.

Therefore, past applicants for financial assistance with one of the listed foundations, for example, would now run the risk of having their information disclosed, even though, at the time their application was submitted, the foundation in question was not subject to the Access to Information Act. Both the Canada Millennium Scholarship Foundation and SDTC commented that they will have great difficulties dealing with this unintended consequence. After hearing these concerns, members of your committee felt that Bill C-2, as proposed, did not go far enough in protecting the rights of applicants who, in the past, have entered into agreement with various foundations and Crown corporations under the condition that their commercially sensitive information remain confidential.

In a similar vein, your committee found that in the first reading version of Bill C-2, there was a provision allowing the head of the National Arts Centre to refuse to disclose documents that would reveal the contract terms of a performer or the identity of a donor who made a donation in confidence. At the committee stage in the other place, this provision was removed.

When the National Arts Centre appeared before your committee, they testified that it is necessary to provide protection against the disclosure of the amount the National Arts Centre pays a director, designer or performer.

Artistic contracts vary based on the size of the venue, the discipline, the size of the role, and the reputation of the artist. As all artists are not paid the same fees, there is a need to keep individual contracts confidential. Many leading artists would not want to perform at the National Arts Centre if this information were to be made public. In addition, if the fees the NAC pays for artists became public, it would seriously undermine the ability of the NAC to secure certain artists and to negotiate fair terms. As well, many donors who provide financial assistance to the National Arts Centre do so under the condition of anonymity. Therefore, it was decided that the clause providing this protection should be reinserted into Bill C-2.

You will recall earlier in my remarks, honourable senators, when I noted that this bill, as it was presented to your committee, did not adequately protect information that was gathered by foundations, Crown corporations and officers of Parliament. Unfortunately, members of your committee also found that there were also occasions where this bill goes too far in keeping secret some information that Canadians have a right to know, under the correct circumstances.

When I first reviewed the bill, I was alarmed to learn that 10 new exemptions were added that would effectively limit the information that Canadians could obtain regarding the operation of Crown corporations, boards, agencies and officers of Parliament.

The exemptions outlined in Bill C-2 would remove the present ability of a requester to seek a judicial order to access information requested from any of the following officers of Parliament regarding an investigation or audit: The Auditor General, the Commissioner of Official Languages, the Information Commissioner, the Privacy Commissioner, the Commissioner of Lobbying, the Chief Electoral Officer, and the Public Service Integrity Officer.

• (1440)

In fact, the only limitation provided in Bill C-2 to this ban is that information being withheld by the Information Commissioner or the Privacy Commissioner during an investigation would be subject to the normal process, commonly referred to as an injury test, once their investigations were concluded. This means that all of the information that would be gathered by all of the other officers of Parliament during the course of an investigation or audit could be kept secret forever, with no possibility for Canadians ever to obtain this information. Even cabinet documents are not kept secret forever, so why should officers of Parliament need to be so secretive?

To my mind, the ability to keep documents secret forever is contrary to the spirit of the Access to Information Act. The former Information Commissioner, during a recent appearance before the Standing Committee on Access to Information, Privacy and Ethics in the other place, noted:

The core purpose of the Access to Information Act is to make governments accountable and to ensure the health of our democracy by enabling citizens to know the real story of what governments are up to and to deter and expose corruption and mismanagement.

Does keeping documents secret forever sound like that would make governments more accountable and ensure the health of our democracy? I suggest not.

It was with this sentiment in mind that a number of these exemptions were amended so that these officers would retain their ability to withhold information during their investigations, but then that information would be subject to an injury test once their audits and examinations were concluded. This injury test would be based on a determination by the officer of Parliament in question that it is reasonable to expect that some injury, harm or prejudice will occur to the government, to an individual, or to a third party commercial entity, if the information is requested or released.

The Information Commissioner noted in his submission to your committee that officers of Parliament do not need a blanket of secrecy over their work when there are already injury test-based exemptions in the Access to Information Act. The Canadian Bar Association, in their written submission, noted that:

While the underlying concerns about providing access are understandable, the choice of language pertaining to an

"investigation, examination or audit" in a number of instances does not seem justifiable, especially in light of the lack of time limits on the exemption. One can understand the need to protect sources in an investigation to encourage full disclosure of information, but it will be in the public interest to obtain information as to how an audit or investigation was conducted, aspects unrelated to the impetus behind such exemptions.

The committee also heard evidence supporting this change from the Public Service Integrity Commissioner, the Canadian Newspaper Association and the Registrar of Official Lobbyists. To my mind, honourable senators, the changes that were proposed during clause-by-clause consideration of this bill will help stem the tide of secrecy that was about to sweep away the right of Canadians to know how their officers of Parliament operate.

A second example where this government fails to prove its case is its attempt to include the Canadian Wheat Board as a government institution subject to the Access to Information Act. The Canadian Wheat Board was not mentioned in the first reading version of Bill C-2 in the other place. The federal accountability act was amended at the committee stage in the other place to make the Canadian Wheat Board subject to the Access to Information Act. In response, the Canadian Wheat Board argued before your committee that it is not a Crown corporation, since their board structure was changed in 1998 so that it would be governed by an independent board where 10 of the 15 directors are elected by farmers, and no government money is involved in their operations.

The act that created the new Canadian Wheat Board specifically states that it is neither an agent of the Crown nor a Crown corporation. The Canadian Wheat Board is accountable to the farmers of Western Canada who sell their grain through the Canadian Wheat Board. Those farmers, not the taxpayers of Canada, pay the corporation's operating costs. They claim to not possess government information, nor is their information under the control of the Government of Canada. Armed with this information, it was felt by your committee that the Canadian Wheat Board should not be subject to the Access to Information Act at this time. I do not wish to speculate here on why the Canadian Wheat Board was included in Bill C-2. However, it does raise an interesting question for future discussion.

At the heart of this balance between the right of Canadians to know and the protection of confidential information collected by government institutions sits the final amendment that I wish to bring to your attention today: The inclusion of a public interest override to the Access to Information Act.

A number of witnesses, including the Canadian Bar Association, the British Columbia Freedom of Information and Privacy Association and the Canadian Newspaper Association, proposed adding a general public interest override for all exemptions. This would authorize the head of the government institution in question to disclose information that is, for any other reason, clearly in the public interest to do so.

The Hon. the Speaker: Honourable senators, Senator Milne's allotted time has expired.

Senator Milne: Honourable senators, I ask for leave to continue my remarks.

Hon. Gerald J. Comeau (Deputy Leader of the Government): We will agree to a five-minute extension.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Milne: Thank you, honourable senators.

These people proposed adding a general public interest override for all exemptions. This would authorize the head of the government institution to disclose information that is, for any other reason, clearly in the public interest to do so.

On this subject, the Canadian Bar Association concluded:

In short, the proposed legislation lacks sufficient definition in the areas of scope and time limits that paradoxically will restrict accountability and transparency in government. The addition of a broad "public interest" override to the *Access to Information Act* would also assist in ensuring that the legislation does not operate contrary to these goals.

The inclusion of a public interest override builds on the public interest provision already contained within section 20 of the *Access to Information Act* regarding third party information, and it mimics similar provisions found in the access to information legislation in many provinces.

As you can see, honourable senators, your committee has been clearly focussed during its study of the access to information provisions of Bill C-2 on how to maintain the proper balance between the right of Canadians to know and the protection of private individuals and commercially-sensitive information.

Unfortunately, perhaps due to the wide scope of this legislation, it became apparent during your committee's deliberations that neither the *Access to Information Commissioner* nor the *Privacy Commissioner* could have been consulted during the drafting phase of this bill. They both confirmed this fact when they appeared before us.

In conclusion, honourable senators, these amendments are sincerely intended to address this oversight, to improve this bill, to make it actually do what the government has stated time and again is its intent: To open government departments and entities up to public scrutiny.

Finally, they are a sincere attempt to treat both the new entities being brought under the *Access to Information Act* and their past customers fairly. Entities such as the SDTC and the NAC must be allowed to fulfil their mandate. Past customers have entrusted privileged information to these government bodies under different rules, and that commercially valuable information should be properly protected. It would be a disservice to the people of Canada and to the corporations that have chosen to conduct business here to treat them in any other manner.

I had also wished to comment on the establishment of a public appointments commission. This is a section of the bill that received very little attention, but I feel it is important enough to warrant specific mention. Therefore, I intend to address the

provisions creating this commission during the third reading of this bill.

With all of this in mind, honourable senators, I urge you to support these amendments.

• (1450)

Hon. A. Raynell Andreychuk: Honourable senators, Senator Milne used the words "the members agreed" and "the members said." With respect, the bill was reported on division. There was unanimous agreement on some amendments, and on some we strongly disagreed.

With regard, in particular, to access to information by the Auditor General, the senator used the term "the members stated and agreed." Would it be fair to interpret that as referring to Liberal senators?

Senator Milne: The honourable senator is quite right. Many of the amendments were passed unanimously. I believe that about six of the proposed amendments were defeated, and the rest were passed by the majority of the committee. One may read into that "the majority of members of the committee."

Senator Andreychuk: There were many sequential amendments. One amendment, which was passed unanimously, led to over 20 very substantive amendments. I did not use the term "technical," because Senator Day did not wish me to use that term. Nonetheless, they were sequential amendments to which we agreed, but they were very substantive. The amendments that Senator Milne quite rightly pointed out today were substantive, and on those we disagreed. Therefore, the term "the members" is somewhat misleading. It includes members of the committee from the governing party, and we would not want to be included in that description.

Senator Milne: Senator Andreychuk is quite right. Many of these amendments are sequential in nature. However, there were substantive amendments proposed by the other side to which we agreed. I still say "the majority of members of the committee."

Senator Cools: On a point of order, honourable senators, it is my understanding of the process that once votes are cast and counted, the end result is a decision of the committee, not of the minority members or of the majority members. At the end, it is the decision of the committee.

Any time a vote is taken on any question in this house, the decision is a decision of the whole house. One cannot say that any decision is passed by a majority. A decision is passed by the committee, or adopted by the committee. It becomes the committee's decision, even if one dislikes it.

Perhaps we should clarify the confusion.

The Hon. the Speaker: We will take that as a clarification.

Hon. Rod A. A. Zimmer: Honourable senators, I rise today in support of the amendments proposed by the Standing Senate Committee on Legal and Constitutional Affairs to the portion of Bill C-2 on the federal accountability act, which deals with political financing.

I was humbled and honoured to be part of the deliberations on this legislation, which will be the boilerplate for political financing for years to come. It is critical that we get this right. I therefore make my remarks today with candour and respect.

Bill C-24, which came into effect in 2003, was the most significant reform of political financing since the Election Expenses Act of 1974, and consequently contained a clause that called for a House of Commons committee to conduct a review "to consider the effects of the provisions of this Act, concerning political financing." According to section 63 (1) of Bill C-24, that review would take place after the Chief Electoral Officer submitted his report to the House of Commons following the first general election held under the new financing rules.

Honourable senators, that report was tabled by Mr. Kingsley in September of 2005, and to date no review has been conducted. To now proceed with further changes without having the benefit of that review does not appear to be the most logical way of dealing with such critical elements of our democratic electoral process.

Although we agree that the imposition of certain donation limits may discourage the improper influence of parties, after hearing from a diverse group of stakeholders we have concluded that the maximum amounts proposed for donations by individuals could have unintended negative consequences, particularly for small political parties. Furthermore, we have serious misgivings about the prohibition on political donations by corporations and trade unions for the same reason, and because its constitutionality is questionable.

In his testimony before the committee, Arthur Kroeger, Chair of the Canadian Policy Research Network, an expert in the field of public governance, rightly questioned whether we have hit the right balance between control and being sensible. We have no evidence that abuses are occurring at the current donation limits. Therefore, what justification do we have for curbing freedom of political expression as drastically as is proposed by this bill?

The government did no comparative studies on how the provinces treat political donations. Such a comparison would have revealed that federal contribution limits proposed by Bill C-2 represent a significant downward departure from those imposed by most of the provinces where the vast majority of constituencies are smaller than federal constituencies. Several provinces have absolutely no contribution limits. Those provinces that do have contribution restrictions normally have limits much higher than what is proposed in Bill C-2. The limits in Alberta, for instance, for individuals wishing to contribute to the electoral process within their province during a provincial election would be up to 30 times higher than limits for Canadians wishing to support, during a federal election, the political party that they thought could best represent their interest. It is difficult to justify a measure producing such disparity, particularly when a scheduled federal review of the political financing system is cancelled in order to bring about this result.

Honourable senators, witnesses before the committee and representatives of smaller political parties were concerned that the reduced political contribution limits would severely impair their ability to raise needed campaign funds. Some of the smaller political parties in particular noted that they are dependent upon relatively large contributions from a small number of

contributors. Instead of the current \$5,000 limit under Bill C-2, Canadians will be permitted to contribute a maximum of only \$1,000 to leadership hopefuls as well as to candidates of unregistered parties.

Honourable senators, Will Arlow of the Canadian Action Party described the new limits as punishing and hostile to the small parties. Marvin Glass of the Communist Party of Canada added that the main point is that this makes small parties a self-fulfilling prophesy. He said that the proposals are almost guaranteed to keep them small.

• (1500)

We also heard concerns that the proposed limits will be inadequate if the frequency of general elections increases. Professor Errol Mendes, of the University of Ottawa's Faculty of Law noted that while several witnesses testified that the average contributions by individuals are under \$1,000 in this country, these limits do not seem to take into account the possibility that Canada may move towards more frequent elections due to unstable minority governments. A \$1,000 limit today may be totally inadequate in a few years' time.

With respect to donations by corporations and trade unions, only two provinces — Manitoba and Quebec — prohibit them. We have heard from Mr. Pierre Côté, Quebec's Chief Electoral Officer for 20 years, that he and others in Quebec are beginning to question whether the total prohibition on corporate contributions was a good idea. He noted that "financing by the public, or going door to door, is no longer enough to cover the increasingly high costs of election campaigns, especially, the ever-increasing cost of television advertising."

Furthermore, the Supreme Court of Canada has stated in several cases that political contributions are a form of protected expression and can only be subject to reasonable limits, demonstrably justified, in a free and democratic society. The question requiring further analysis is: Can the government show that only a full prohibition will enable it to achieve its objective?

Honourable senators, we have concerns that, if challenged, the prohibition on political contributions by corporations and trade unions may not pass the constitutionality test. We therefore submitted a strong observation on this issue.

Political donations play an important role in our democratic electoral system, and it is important that we ensure a balanced approach, where adherents of all political parties can participate equally. The motivation behind measures to enhance the accountability of government and improve the electoral process should not be motivated by partisan, political considerations, as was suggested by a number of our witnesses.

Professor Leslie Pal of Carleton University testified:

For me, as a matter of democratic practice, one of the most fundamental aspects of democracy is for people to be able to support political parties and other representatives of their political interests.... The political party in power has a better capacity to raise individual donations as compared with its competitors... the introduction of these limits plays well politically. It also plays well strategically to the capacities of the current government.

The committee believes that reductions proposed in this legislation need to be improved, particularly after hearing the virtually unanimous testimony from representatives of smaller parties about the serious harm these limits would do to their ability to participate in the political process. Consequently, the contribution limits to leadership contestants and to candidates of unregistered parties should be increased to \$2,000, instead of to \$1,000 as is proposed in Bill C-2. Likewise, the contributions for registered political parties, local constituencies and their candidates should be \$2,000.

Honourable senators, we have also recommended that the government reconsider its proposed ban on the already modest amounts unions and corporations may donate at the local constituency level, particularly in view of evidence presented by the smaller parties who, it appears, may be unevenly affected. In light of what we have heard, the committee believes that this total ban on union and corporation contributions needs to be re-examined carefully, in a larger review of political financing that the government should initiate, as was provided for in Bill C-24.

Honourable senators, we did not recommend any changes to the provision that states that the Chief Electoral Officer will appoint returning officers in each of the electoral districts. We feel that this provision in the government's legislation is good.

It is vital to examine this piece of legislation closely and not make dramatic decisions on donation limits so that we do not strangle the democratic process as it affects smaller parties.

We agree that, while it is important to engage the grassroots of all political entities, it is equally important to allow others to partake in the process at a modest level, because political financing is the life-blood of the democratic process in this country.

Honourable senators, the current government is a good example, as its party was able to evolve into its current position from modest beginnings through an amalgamation of two democratic processes. It is important for all of us to have individual communion and to recognize that the strength of our system in this great adventure we call Canada makes the democratic process work.

Historically, parties that eventually become the government of all the people have had humble beginnings and, through an open and transparent way, the democratic process gained power. Honourable senators, it is the Canadian way.

In conclusion, I want to join Senator Day and Senator Stratton in thanking the chair, Senator Oliver, and all other members of the committee from both sides of the chamber for their dedication and commitment to this enormous task. As a rookie senator, I witnessed senators on both sides put aside other responsibilities and engagements, and sacrifice their personal time for the overall good of this important piece of legislation.

Once again, I extend my sincere appreciation to the many others who worked on this legislation, including legal draftspeople, parliamentary counsel, the committee clerk and his team, and all staff members who researched, advised and supported the committee through this historic journey. They were unflinching in their support, particularly through the

clause-by-clause adventure, a necessary and vital experience. They were reliable and ensured that our days began on the most productive note. Long after we adjourned for the evening, they were still there, preparing for the next day. To all of them, I offer a heartfelt thank you. Your contribution to this historic legislation has not gone unnoticed.

Finally, to the more than 150 witnesses who made an effort to attend and share their insight, I say "mille fois merci." You have provided an invaluable assistance to this committee in improving this important piece of legislation that will continue to improve the freedoms and lives of Canadians for generations to come.

The Hon. the Speaker *pro tempore*: Senator Di Nino has a question. Will Senator Zimmer accept a question?

Senator Zimmer: Yes.

Hon. Consiglio Di Nino: Thank you kindly. Let me first say I was not part of the committee. Therefore, my questions may have been covered by witnesses.

You gave information about contributions. During the hearings, was there any discussion about the myriad of tax credits, refunds, rebates, tax deductibility, et cetera, available to those who make contributions?

Senator Zimmer: I thank the honourable senator for the question. Yes, there was. We went through a variety of those issues, as far as tax receipts go, and it came up when we discussed convention fees. We looked at exempting convention fees, because in the current existing legislation of Bill C-24, the individuals that crafted the legislation admitted that they made an error in not including in legislation the fees and costs of conventions and also donations to leadership candidates. We looked at making an exemption from that. We decided that would be the wrong way to go because doing so is not open and transparent. Therefore, we added the provision to the first portion of a donation to a registered party. We felt that would be the most open way of doing it.

In addition, a question was raised in the amendments, and it was raised in a way where it talked about convention fees. We discussed the issue in that venue at that point.

Senator Di Nino: That is helpful. My question was a little wider than that. Some of you who have been here long enough will know I was one of the few people who applauded Prime Minister Chrétien when he introduced the legislation, because I had suggested for a long time that that legislation was appropriate, and I would have gone even further.

• (1510)

The issue really is the perception that the taxpayers of this country are not bearing the cost of running the political system. I do not have a scientific analysis of this point but I had my numbers checked by an accountant. When you add the tax credit, the tax rebates to candidates and to political parties — that is, refunds that they receive after each election — and you add the deductibility of corporations for events that they attend with clients in support of political parties —

The Hon. the Speaker *pro tempore*: Honourable senators, Senator Zimmer's time is over. Are you asking for more time, Senator Zimmer?

Senator Di Nino: I would just like to complete the question and then I will deal with this matter at another time, if that is in order. Do I have permission to do so?

The Hon. the Speaker *pro tempore*: Senator Zimmer, are you asking for more time?

Senator Zimmer: Yes. Please go ahead, honourable senator.

Hon. Joan Fraser (Deputy Leader of the Opposition): Five minutes.

Senator Di Nino: I do not need that long.

My contention is that the perception that taxpayers are not paying for political contributions when they are made by corporations or individuals is incorrect. When you add the amount of money that we give back in tax credits, tax refunds, tax rebates and allowance, I suggest to you that taxpayers are paying for every nickel of the cost of the political system in this country. Will the honourable senator agree with me that we should adjust the rebates and the per-vote allowance? Otherwise, you are increasing the taxpayers' contributions to the political system. Does the honourable senator have an opinion on that?

Senator Zimmer: That is a very interesting proposal. I have not looked in that direction because I have followed the vein of Bill C-24 and Bill C-2. However, that is at the other end of the teeter-totter; it is an interesting aspect. I am not a tax expert in that area but I recently reviewed some legislation. I pulled up some information about that point on the tax credit system in the last few days. I have not explored that, but it is an interesting concept and something which I would enjoy discussing at a future point.

Hon. George Baker: Honourable senators, I will not be as long as 15 minutes. I have just a few words to say concerning this bill. I have been asked to say a few words concerning the section dealing with the Director of Public Prosecutions.

Before I do that, I would like to congratulate the members of the committee. I have spent 30 years in the House of Commons, as you all know, and I was an active committee member. However, I must say that the Senate committees are far more impressive in their manner of carrying on business than are the committees of the House of Commons. Evidence of that is found not just in the senators on the committee. I must congratulate the chair of the committee, Professor Oliver. I am sorry, but I always call him "professor" because we had a page here recently whose mother and father were both taught at law school by Senator Oliver. One of them ended up being a minister of justice and the other one a director of prosecutions, so Senator Oliver must have been a fairly good professor.

Members of the committee representing the government side with their leader, Senator Stratton, and the Liberal side as well did a commendable job in a minority situation.

Also, honourable senators, I wish to point out that we heard from some witnesses who were not heard in the House of Commons committee, for example, the Canadian Bar Association. Can you imagine passing a bill as complicated as this — one that changes the law so dramatically — and the Canadian Bar Association is not heard in the House of Commons? That is not so strange, though, because that has happened in the past. The Canadian Bar Association said, "We sent along a few comments but, because that committee was in such a rush, we could not make their schedule." This is the Canadian Bar Association. The amendments that arose from that committee hearing were all suggested by the witnesses. Honourable senators, I can tell you that for a fact.

I have been asked to speak today on the Director of Public Prosecutions. When I looked at that section of the bill, the first thing that came to my mind was: Here is the Americanization of the Canadian system of justice. That is the first thing that came to my mind. I went to that committee looking at the section that said the Director of Public Prosecutions could initiate a prosecution. What does "initiate" mean? In other sections it was "institute prosecutions". What does "institute" mean? The witnesses all said that there is no precedent for this language. There is such a thing as "commence proceedings" in section 2 of the Criminal Code for the Attorney General, but that is not to "institute proceedings."

When the specific bills were looked at in Bill C-2, it was discovered that under the Elections Act, what does "institute" mean? By law, the Director of Public Prosecutions makes the decision on whether or not charges will be laid. The Director of Public Prosecutions, and only the director, can make the decision on whether or not to lay a charge. The Director of Public Prosecutions then assumes the prosecution after the charge is laid and carries out the prosecution.

We had the Donald Marshal inquiry into a wrongful conviction of first degree murder in Nova Scotia, and we had a commission of inquiry into the wrongful conviction of three persons on first degree murder in Newfoundland. Imagine the gentleman being in jail for several years and then discovering that someone else admits to the crime. Those commissions of inquiry — the first one headed by T. Alex Hickman, former Chief Justice of Newfoundland and a good friend of Senator Furey's — I remember him well — and John Crosbie. I was the Clerk of the Newfoundland legislature and I taught them parliamentary procedure back in the early 1960s.

When they conducted their commissions of inquiry, I read them very carefully. I also read the Newfoundland commission of inquiry into wrongful convictions very carefully. They both came to the same conclusion about one fact, and that is that a public prosecutor, a Crown solicitor, a Crown attorney, should not become too closely associated with an investigation and the laying of charges because it removes from the Canadian system of justice what is called that objective, hard second look that is made by a Crown prosecutor when they receive a case on which the police have charged, and they look at it again to determine whether they should proceed, and how. Should it be first degree murder or second degree murder, or should it be something less, or should they stay the charge? That is part of the Canadian system of justice.

I was reading Justice Binnie 2002, in *R v. Regan*. That is the way Justice Binnie defined it, and that is the way all the justices of the Supreme Court of Canada identify that crucial hard, second look. The Americans do not have that system in the United States. They have something else called the fifth, which means that they do not have to answer a question. We do not have that in Canada. You must answer a question in Canada, but we have other protections. This is one of them, as the Supreme Court of Canada has pointed out; that second look that a Crown prosecutor takes. I read this bill and said, "Oops, what is this? This is an Americanization. I will move that this entire section be taken out."

• (1520)

Honourable senators, I did not do that, and I will tell you why. The honourable senator is saying, "shame," but perhaps a court in the future will say that this violates the Charter and takes away something that we have in our system. That might happen. What did we do in the committee? We heard from the Right Honourable Antonio Lamer, former Chief Justice of the Supreme Court of Canada. He said that there is nothing wrong with the system in this bill. Is that right, Senator Stratton? Is that right, Mr. Chairman? The committee heard from the Deputy Minister of Justice, John Sims, that great author from Manitoba, who said that there is nothing wrong with this bill. We heard from two justices from courts of appeal, one from British Columbia and one from Ontario, who said nothing was wrong with this bill. What clinched it for me to not do anything about it was a comment by the Chairman of the Criminal Lawyers Defence Association of the Canadian Bar Association. He said that they could not find anything wrong with it. Honourable senators, the point is that the changes made in the bill came from the suggestions and recommendations made by the witnesses and vetted through the Senate committee.

Another thing jumped out at me when I read this: five to ten year delays are found in four pieces of legislation. Do honourable senators know that under Bill C-2, a cabinet minister could be found guilty of breaking the law but the commissioner need not charge him for five years? Three bills use the words, "summary offence" and the fourth one uses "administrative law." It can be as long as five years before the laying of a charge is necessary by the commissioner. In the Criminal Code, what does it say about summary conviction offences? It is six months for all other Canadians. Former Chief Justice Lamer said that, under the Criminal Code, it is six months. What is five years doing in this bill?

There was another provision in the bill that would allow them to wait ten years from the moment an offence took place until the laying of a charge for a summary conviction offence. For example, an election worker three elections ago could be charged ten years after the fact with a minor offence. Imagine that. Memories fade and people fade. You cannot lay charges for summary conviction offences ten years after the fact.

The committee looked at the issue and decided to be consistent. There are a couple of laws in Canada, such as the Fisheries Act, the Environment Act and a section on deleterious substances in rivers, whereby there is a two year period before a charge needs to be laid so that scientists have time to identify the substance in their laboratory. That was the excuse for the two years delay in laying charges for a summary conviction offence.

[Senator Baker]

This bill says five years. We suggested reducing it to two years. Senator Nolin is not in the chamber but I am sure he would have raised this point if I had not done so. The Department of Justice said that there are two precedents for this delay. They are in the Old Age Security Act. I looked at the Old Age Security Act and searched for the reason for bringing in the delay. It was there because very old persons also in receipt of Canada Pension Disability might have made an error, and officials wanted five years to determine whether they should lay charges. No case has ever been litigated and yet the Government of Canada, with the five-year inclusion, was saying: You give us this old age security section to protect our cabinet ministers. That was the reality. The committee changed it, not back to six months but back to two years in the four sections that were changed, and five years being the extension in which a charge must be laid under that section.

Objectively, all of the amendments were made after the committee heard from the witnesses. I commend all senators on the Legal Committee. It was a real experience. Every committee member deserves our congratulations.

Hon. Terry Stratton: I would ask the honourable senator if he would take a question?

Senator Baker: Yes.

Senator Stratton: With respect to the five year delay, as the honourable senator well knows and as Mr. Joe Wild, attorney for the Treasury Board, put quite clearly, some events relating to the Gomery inquiry go back to 1995. All of the mentions of delay are linked to those activities examined by the commission. The time frame is five years after the discovery of the event. Once one discovers the event or the malfeasance or whatever, one may need to take five years to develop and research the case efficiently. Thereafter, one has an additional five years to lay a charge. That is the intent of this bill, as a result of the complications in Gomery that led to the five and the ten years. Does the honourable senator have a response?

Senator Baker: Certainly, I have a comment. The Chief Electoral Officer was the first witness to appear before the committee. The first question asked by me was: Do you intend to go back and lay any charges in connection with the Gomery inquiry or the findings of the commission? Senator Stratton will agree, I am sure, that Mr. Kingsley said, no.

Senator Stratton: Do not put words in my mouth.

Senator Baker: He said, no, he would not do it. He went outside the room and said to the media that he did not intend to do that.

I know the subject of five year and ten year periods fairly well because I read about all the relevant reported cases. I subscribe to Quicklaw and Westlaw Carswell, and have read every case pertaining to the two year period, but there are no cases pertaining to the five year period. The Supreme Court of Canada in *R.B. Gateway* described exactly what was in the law.

The five and ten means exactly this: From the time the commissioner is aware that an offence has been created, he or she has five years to lay a charge. However, the time from the time the

offence took place until the laying of the charge shall not exceed ten years. The point is: a commissioner who looks at conflict of interest and is aware that an offence has taken place does not need five years to accumulate more evidence if they know the offence has taken place. They do not need to go into a laboratory to examine the chemical substance, and they do not need to consult with senior citizens.

Senator Fraser: Would Senator Baker accept another question?

The Hon. the Speaker *pro tempore*: Honourable senators, I advise that Senator Baker's time has expired. Is the honourable senator asking for leave to continue?

Senator Baker: Yes.

• (1530)

The Hon. the Speaker *pro tempore*: Is there an agreement on more time? Five minutes?

Hon. Senators: Agreed.

Senator Fraser: My question will not take that long and I doubt that the answer will.

I listened with fascination to the legal precedents and what not that have been cited, but not being a lawyer, I am a little lost. However, in my non-lawyer's mind, one principle that has become embedded is that justice delayed is justice denied. It seems to me that a stretch of 10 years for what might have been, in the beginning, a truly minor offence, would — do you see where I am going, Senator Baker, and do I have a point here?

Senator Baker: Absolutely, you have an excellent point. For example, it is just like getting off a bus and bumping into someone on the sidewalk, but not realizing you bumped into someone. Then, a few years later, that person finds out you are a senator and decides to charge you with common assault.

If you touch someone, that is common assault. You could be assaulted by words under the definition of common assault. That would be a hybrid offence, which is summary conviction if they would not make it indictable; indictable is forever, but summary conviction is six months.

You have an excellent point. It is a denial of what is called, quite simply, fairness. Many things break down into fairness. You read the case law — should a search warrant be thrown out? Should the evidence be dismissed under section 24(2) of the Charter? Should it be excluded, if it goes to the fairness of trial? That means exclusion, in simple terms.

You are absolutely right. Memories fade. You do not know who the witnesses were 10 years ago.

An excellent example is *R. v. Nunziata*. John Nunziata was running for the mayoralty of Toronto and in the middle of his campaign, he was charged with a violation of the Elections Act — he and his official agent. The judge started his judgment by saying, It is unfortunate that something that happened two elections ago, which Mr. Nunziata is pleading innocent to, should come to haunt him in the middle of a mayoralty contest.

He was judged to be not guilty. When you read the reasoning of the judge, it talks about the passage of time and how that passage of time is contrary to the Charter. In this bill, we are looking at a 10-year time period and completely disregarding what was in law recognized as being unfair and violating the Charter — in fact, it is section 7 — so the honourable senator is absolutely right; it is fundamental justice.

On motion of Senator Campbell, debate adjourned.

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. W. David Angus: Honourable senators, I rise today to join the debate at second reading of Bill S-4, to amend the Constitution Act, 1867, on Senate tenure.

It is my genuine belief, honourable senators, that we all recognize in our hearts of hearts that this fine institution, the Senate of Canada, requires revision and renewal so that its structure is once again appropriate to the contemporary state of our Canadian democracy, and is responsive to the needs of an effectively functioning parliamentary system accountable to and in the best interests of all Canadians.

I was summoned to this place in June of 1993, at a time when the image of Canada's upper chamber was at an all-time low. Canadian senators were, at the time, considered by the general Canadian public as flacks, hacks, fat cats and retired bag men. In short, the public viewed us as a tired bunch of old fogeys who added no value and were a useless strain on the public purse.

The deplorable spectacle of the GST debate, complete with noisy kazoos, raucous behaviour and unprecedented insults ad hominem was a recent memory; and then the Senate was faced with the indefensible, unexplained and ongoing absenteeism of a senator who failed to show up in this chamber for as many as 11 months at a time.

As well, there existed an unsavoury aroma surrounding the activities of some senators and ex-senators who had run afoul of the law or were accused of unethical conduct and conflicts of interest. To make matters worse, there was the poorly presented and weakly defended \$6,000 stipend affair.

Canadians across the land were clamouring for Senate reform and the outcry was loudest from Western Canada, where the Triple-E Senate movement was at its height. Many citizens, including members of the NDP, were calling for outright abolition of the Senate.

Preston Manning and his new Reform Party were strident proponents of Triple-E — elected, equal and efficient. They claimed there was no place in a modern democracy for an appointed, non-elected legislative body. As well, they rightly

pointed to the fact that as Canada had developed and grown westward, its demographics had changed substantially, such that the Senate reforms were no longer equal, as contemplated by the Fathers of Confederation.

Furthermore, they said, the Senate was not fulfilling one of its key original missions of representing regions and minorities. In fact, it had become nothing, in their view, but a sometimes obstructive and frequently cantankerous and all too partisan legislative review body.

The public was upset, honourable senators, and in no mood to be placated by minor changes or inaction. They called the Senate a home for the aged, a reactionary, autocratic and immoral body, a fifth wheel on the Canadian coach, a pension scheme for party warriors, a reward for wealthy party contributors and, generally, an anachronism.

Honourable senators, less than 10 years after Confederation in 1867, our Senate had already become the subject of great controversy; and calls for Senate reform have been continual and often strident ever since. In 1883 even, Senate reform was the main plank in the Liberal Party's election campaign platform.

However, except for abolition of life tenures, replaced by mandatory retirement age of 75 in 1965, and the watering down in 1982 of the Senate's original veto power on constitutional amendments, there has been no concrete legislative reform or renewal of our Senate whatsoever. This notwithstanding numerous studies, including two major joint parliamentary studies on the subject, plus the failed attempts at reform by comprehensive constitutional change as set forth in the Meech Lake and Charlottetown accords.

Hon. Anne C. Cools: I remember it well.

Senator Angus: Honourable senators, it is now time for effective action, and I sense that we all feel this way. I sure hope so.

The Conservative government in its election platform, Stand up for Canada, and later in its Speech from the Throne, promised to address Senate reform and renewal in a tangible way by starting a process of modernizing our institution so that it better reflects the democratic values of Canadians and the needs of Canada's regions. True to its word, the government, on May 30, introduced in this place, Bill S-4, with a view to limiting senators' terms to eight years, renewable. In so doing, the government made it clear that this was but the first step in an incremental process of renewal. As well, it started the process here in the Senate so as to give us, as senators, an opportunity to be directly involved in the process of renewal, an opportunity to have a significant measure of control over our own destiny, or at least some ownership of the renewal process.

• (1540)

As well, the government evidently chose to proceed this way as opposed to resorting directly to a comprehensive constitutional amendment pursuant to the Constitution Act 1982 because it recognizes that Senate reform is a delicate process which needs to be proceeded with carefully and only after serious study and reflection each step of the way.

[Senator Angus]

Also, it is clear from the preamble to Bill S-4 that the government wants to retain the Senate. It recognizes, as did Senator Hays on Monday evening when he spoke in this chamber, that the Senate has rendered excellent service to Canadians over many years, and it continues to play a useful and important role in our parliamentary system, notwithstanding the fact that it has unfortunately been permitted to endure for 140 years without being reformed, upgraded, adjusted, modernized and/or renewed as necessary along the way.

The Senate itself, honourable senators, has prudently come to recognize its own shortcomings over the years, and has, especially since 1993 from time to time, demonstrated that it must not exercise its full constitutional powers, such as those of disallowance. If it wishes to survive, it must change its ways or at least find more favour with Canadians.

However, honourable senators, it is no longer acceptable to Canadians that the Senate continue in this manner. Our citizens wish to see real renewal and change. It is in our best interests to respond to wishes and requirements such as these without further delay.

Therefore, honourable senators, Bill S-4 represents a fresh start at Senate reform. I earnestly believe it is a sane and sensible first step. As the Prime Minister said recently, honourable senators, there are basically three options for our Senate: One, the status quo; two, abolition; or three, reform and renewal in a productive way. For me, honourable senators, neither the status quo nor abolition are realistic or reasonable options. I submit, therefore, that we must get on with the process of renewal and I urge all honourable senators to support the "Fresh Start" incremental process initiated by Prime Minister Harper's government with Bill S-4.

I am comforted in this regard with the Senate's reaction so far. We have demonstrated a willingness to listen and to participate in a process involving being masters of our own destiny. The creation of the Special Senate Committee on Senate Reform, that committee's study of the subject-matter of Bill S-4 and the subsequent report tabled here last week, the Murray/Austin motion and the study and report on the same are activities that indicate to me, honourable senators, that we certainly can, and indeed are willing to participate constructively in a fresh, new renewal process.

I have had the privilege of serving as deputy chair of the special committee and working co-operatively with Senator Hays, chair of that special committee, and with all our colleagues on the committee, Liberal and Conservative alike. Thank you, Senator Hays, for your kind words of Monday evening on this subject and about the committee generally, and more particularly about our fine staff and backup people from the parliamentary library. I fully concur with your laudatory remarks.

I wish to say, honourable senators, that the more we heard the evidence and reviewed the historical record, the more my personal interest in and support for Senate renewal was reinforced.

I fully support the two reports which the special committee has issued, and if it is in order, I would be pleased that these second reading remarks could be construed as well to be enthusiastically in support of adoption of these reports, but I leave it to honourable senators in that regard.

In more recent years, I have detected a trend whereby the Senate has toned down its partisan rhetoric.

Senator Cools: I did not notice.

Senator Angus: I have, Senator Cools, and obstructive tactics, and particularly in your case, in my view, you asked for it.

Senator Cools: No, I did not.

Senator Angus: I withdraw any reference to you. You are right; I withdraw the reference, with deep respect. You are on the ball, just checking. Just checking.

Senator Cools: Act like a senator.

Senator Angus: The senators appear to be awake, let the record show it.

Senator Cools: The record is quite clear.

Senator Angus: In my humble opinion, the Senate has been acting in a fashion that indicates our awareness of the negative views that Canadians have held about the Senate. I hope we are not reversing this trend today.

Senator Cools: I think you are.

Senator Angus: I do not want to.

Positive and effective public relation measures have been taken with a view to highlighting the very good work being done by the Senate in developing sound public policy, in carrying out our legislative review role in a responsible and independent, sober-second-thought mode, and in demonstrating sensitivity to our duty of representing regions and their diverse minority interests. This latter function is more important, honourable senators, than ever before, given the way Canada has evolved and developed over the years into a marvellous mosaic of cultures and people, in our pluralistic and multicultural society.

The Canada of today is a vastly different place than it was in 1867. If the Fathers of Confederation could see us today, be sure, honourable senators, that they would have come up with a vastly different-looking upper chamber.

Honourable senators, we have demonstrated of late our realization of these factors. Canadians have taken note of our new attitude. They believe that we will take positive action for Senate renewal. The clamour for triple-E reform, especially in the West, has abated. The subject was not even mentioned in the recent Alberta leadership convention of the Conservative Party. As well, I do not believe it has been mentioned at all as an issue in the federal Liberal leadership race.

In short, the national atmosphere today is much more conducive to a sober, constructive process of Senate renewal such as the measured, incremental and fresh approach initiated by the Harper government with Bill S-4 so that the Senate may evolve in accordance with the principles of modern democracy and the expectations of all Canadians.

Thus, honourable senators, I urge you to keep up this constructive attitude and to approve Bill S-4 in principle, and as soon as other senators have spoken at second reading, that the bill then be referred to the Special Senate Committee on Senate Reform.

Hon. Gerry St. Germain: I have a question for the honourable senator. Will he accept a question?

Senator Angus: Of course.

Senator St. Germain: The Honourable Senator Angus brings to this place legal expertise. He talks of fresh renewal, and I concur with what he has said. During the committee's work, did the honourable senator determine how many steps can be taken before the constitutional aspects need to be taken into consideration? Was that discussed during this process? Has the committee indicated whether there are any other steps that could be taken without requiring actual material changes to the Constitution?

Senator Angus: Thank you for that question, honourable senator. Yes, a substantial amount of time was devoted during the committee hearings to listening to the constitutional experts and political scientists from across the country as to what would be in the competency of Parliament alone under section 44 of the Constitution Act, 1982. It seemed to be the better view, and the report that has been filed speaks for itself, that this Bill S-4 is within the competence of Parliament.

It is also in the suggestion of the report that has been tabled by Senator Hays that there may well be other issues that could be dealt with by Parliament.

I believe it is the intention of this government that, as these issues come into focus and measures can be taken to further the incremental process of Senate renewal, they will be acted on. I am confident and excited about this process.

• (1550)

Hon. Norman K. Atkins: The honourable senator keeps referring to Canadians in the general context. Has the new Conservative government done any polling to confirm the opinions that the honourable senator has expressed here today?

Senator Angus: I have the sense that that question should more properly be addressed to the Leader of the Government in the Senate.

On motion of Senator Senator Hubley, debate adjourned.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Pat Carney moved second reading of Bill S-220, to protect heritage lighthouses.

She said: Honourable senators, this bill represents the sixth attempt in as many years to grant protection to heritage lighthouses of Canada. It was introduced five times previously, including during the Second Session of the Thirty-sixth Parliament, the First, Second and Third Sessions of the

Thirty-seventh Parliament, and the First Session of the Thirty-eighth Parliament, and it has proceeded to committee stage in the other place. It never received Royal Assent before those parliaments rose.

While this bill was co-authored by me and the late Senator Forrestall, it was introduced five times by him, and it is in his memory that I speak today.

Despite the broad support in Parliament for this bill from all parties, the fact that we have not been able to enact it thus far represents a legislative embarrassment. It should be noted that this bill is supported in principle by the Departments of the Environment, Heritage and Fisheries and Oceans. Aside from the obvious negative political optics of such failure, even more regrettable is the practical damage being sustained by the lighthouses no longer in operation and the loss to the communities they have served, and where they stand as a proud pillar of heritage. Each day that goes by without the kind of legal protection afforded by the heritage lighthouse protection bill is a day that lighthouses are left exposed to neglect.

This bill addresses the problem that lighthouses, once deemed to be surplus to operational requirements, have no mechanism for their preservation. In the past they have been blown up, burned down, jack-hammered or left prey to vandalism, because the operational departments have no means of transferring them to interested community groups that are prepared to take on their maintenance. The present heritage designations are too restrictive to apply to most and do not provide a public consultation process.

The main feature of this bill is to facilitate the designation and preservation of operating lighthouses as part of Canada's culture and history, and to protect them from being altered or disposed of without public consultation. The bill defines heritage lighthouses as any lighthouse, together with all buildings and other works belonging thereto and in connection with which, as designated by the minister on the recommendation of the board as a heritage lighthouse.

The board referred to is the National Historic Sites and Monuments Board.

It defines "alter" as "to change in any manner" and includes "to restore or renovate" but does not include the performance of routine maintenance and repairs.

Honourable senators, I could take the time of Senate to read the other main purposes of this short bill, but it would serve the interests of the Senate better to move this bill into committee where these aspects can be addressed.

The key to this bill is that the Canadian public will be consulted before any lighthouse is disposed of or destroyed, because currently there is no method by which to protect those structures.

The substantive provisions of this bill remain the same as they were the past five times it was introduced, and each time it received unanimous support in this chamber. I have been in communication with the government and believe that there may

be minor amendments made to the bill at committee stage to align it with other legislation that was passed since this bill was first proposed.

I hope this bill can be referred to committee today.

Hon. Jim Munson: Honourable senators, I agree that this bill should be sent to the appropriate committee today. I have a keen interest in this bill. My great-great-uncle, James Munson, was the first lighthouse keeper in Cape Enrage, New Brunswick. It is a wonderful place just outside of Fundy National Park. It is the home of regulation-sized Munsons. I somehow got short shrift.

It is a great historical story which must be put on the record. I would like to speak to this bill at report stage when it returns from committee.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

Hon. Gerald J. Comeau (Deputy Leader of the Government): I move the adjournment of the debate.

Senator Carney: Honourable senators, it was my understanding from my house leader that this bill would go to committee today. Can I be told why the deputy leader has moved the adjournment of the debate when it has been agreed with the opposition and the committee that it be sent to committee?

Senator Comeau: There is no agreement that it would be sent to committee today.

On motion of Senator Comeau, debate adjourned.

STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the third report (interim) of the Standing Senate Committee on Agriculture and Forestry, entitled: *Agriculture and Agri-Food Policy in Canada: Putting Farmers First!*, tabled in the Senate on June 21, 2006.—(Honourable Senator Gustafson)

Hon. Leonard J. Gustafson: Honourable senators, I rise to speak on this interim report of the Standing Senate Committee on Agriculture and Forestry. The subject matter of this report is possibly the most important issue that Canada faces today. I cannot think of one that is more important. Some may say that I am a biased farmer. That may be true, but agriculture is facing the most difficult years in the history of this country, with the exception of the 1930s.

Canadians have a responsibility. There is nothing more important than the land; there is no more being made. All the exports of our country — fish, lumber, oil, gas, minerals and agricultural products — come from the land. In Canada, there are

167 million acres of agricultural land. Canadians must realize that this wealth is useless without our farmers, who are the best in the world.

The Hon. the Speaker: Honourable senators, it is four o'clock. There is a house order. I believe that all honourable senators will agree that Senator Gustafson hold the adjournment of the debate on this item. He has about 13 and a half minutes remaining.

On motion of Senator Gustafson, debate adjourned.

The Hon. the Speaker: Pursuant to the order adopted by the Senate on April 6, 2005, I declare the Senate adjourned.

The Senate adjourned until Thursday, November 2, 2006 at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Daniel Hays

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(November 1, 2006)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Monte Solberg	Minister of Citizenship and Immigration
The Hon. Chuck Strahl	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Carol Skelton	Minister of National Revenue and Minister of Western Economic Diversification
The Hon. Vic Toews	Minister of Justice and Attorney General of Canada
The Hon. Rona Ambrose	Minister of the Environment
The Hon. Michael D. Chong	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister for Sport
The Hon. Diane Finley	Minister of Human Resources and Social Development
The Hon. Gordon O'Connor	Minister of National Defence
The Hon. Beverley J. Oda	Minister of Canadian Heritage and Status of Women
The Hon. Jim Prentice	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. John Baird	President of the Treasury Board
The Maxime Bernier	Minister of Industry
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of International Cooperation and Minister for La Francophonie and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services

SENATORS OF CANADA

ACCORDING TO SENIORITY

(November 1, 2006)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuaq, Que.
Daniel Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon	Whitehorse, Yukon
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Romeo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauson	Sainte-Foy, Que.
Yoine Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(November 1, 2006)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Liberal
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Christensen, Ione	Yukon	Whitehorse, Yukon	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hays, Daniel	Calgary	Calgary, Alta.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth.	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
 (November 1, 2006)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 John Trevor Eyton	Ontario	Caledon
10 Wilbert Joseph Keon	Ottawa	Ottawa
11 Michael Arthur Meighen	St. Marys	Toronto
12 Marjory LeBreton, P.C.	Ontario	Manotick
13 Lorna Milne	Peel County	Brampton
14 Marie-P. Poulin	Northern Ontario	Ottawa
15 Francis William Mahovlich	Toronto	Toronto
16 Vivienne Poy	Toronto	Toronto
17 David P. Smith, P.C.	Cobourg	Toronto
18 Mac Harb	Ontario	Ottawa
19 Jim Munson	Ottawa/Rideau Canal	Ottawa
20 Art Eggleton, P.C.	Ontario	Toronto
21 Nancy Ruth	Cluny	Toronto
22 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 Marcel Prud'homme, P.C.	La Salle	Montreal
5 W. David Angus	Alma	Montreal
6 Pierre Claude Nolin	De Salaberry	Quebec
7 Lise Bacon	De la Durantaye	Laval
8 Céline Hervieux-Payette, P.C.	Bedford	Montreal
9 Lucie Pépin	Shawinigan	Montreal
10 Serge Joyal, P.C.	Kennebec	Montreal
11 Joan Thorne Fraser	De Lorimier	Montreal
12 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13 Jean Lapointe	Saurel	Magog
14 Michel Biron	Milles Isles	Nicolet
15 Raymond Lavigne	Montarville	Verdun
16 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17 Roméo Antonius Dallaire	Gulf	Sainte-Foy
18 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
19 Dennis Dawson	Lauzon	Ste-Foy
20 Yoïne Goldstein	Rigaud	Montreal
21 Francis Fox, P.C.	Victoria	Montreal
22 Michael Fortier, P.C.	Rougemont	Town of Mount Royal
23		
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gerald J. Comeau	Nova Scotia	Saulnierville
2 Donald H. Oliver	Nova Scotia	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Gerard A. Phalen	Nova Scotia	Glace Bay
6 Terry M. Mercer	Northend Halifax	Caribou River
7 James S. Cowan	Nova Scotia	Halifax
8		
9		
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7 Pierrette Ringuette	New Brunswick	Edmundston
8 Marilyn Trenholme Counsell	New Brunswick	Sackville
9 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Winnipeg
5 Maria Chaput	Manitoba	Sainte-Anne
6 Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6 Larry W. Campbell	British Columbia	Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 Leonard J. Gustafson	Saskatchewan	Macoun
3 David Tkachuk	Saskatchewan	Saskatoon
4 Pana Merchant	Saskatchewan	Regina
5 Robert W. Peterson	Saskatchewan	Regina
6 Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Hays	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4 Claudette Tardif	Alberta	Edmonton
5 Grant Mitchell	Alberta	Edmonton
6 Elaine McCoy	Alberta	Calgary

CONFLICT OF INTEREST FOR SENATORS

Chair: Honourable Senator Joyal

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

Andreychuk,
Angus,

Carstairs,

* Hays,
(or Fraser)
Joyal,* LeBreton,
(or Comeau)
Robichaud.*Original Members as nominated by the Committee of Selection**Andreychuk, Angus, Carstairs, *Hays (or Fraser),
Joyal, *LeBreton, (or Comeau), Robichaud.*

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

Honourable Senators:

Adams,
Angus,
Banks,
Carney,Cochrane,
Fox,
* Hays,
(or Fraser)Kenny,
Lavigne,
* LeBreton,
(or Comeau)Milne,
Sibbeston,
Tardif.*Original Members as nominated by the Committee of Selection**Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne,
LeBreton, (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.

FISHERIES AND OCEANS

Chair: Honourable: Senator Rompkey

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

Adams,
Baker,
Campbell,
Cochrane,
Comeau,Cowan,
Gill,
* Hays,
(or Fraser)Hubley,
Johnson,
* LeBreton,
(or Comeau)Meighen,
Rompkey,
Watt.*Original Members as nominated by the Committee of Selection**Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson,
LeBreton, (or Comeau), Meighen, Rompkey, Watt.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Chair: Honourable Senator Segal

Deputy Chair: Honourable Senator Stollery

Honourable Senators:

Andreychuk,	Di Nino,	Jaffer,	Segal,
Corbin,	Downe,	* LeBreton,	Smith,
Dawson,	Eyton,	(or Comeau)	Stollery.
De Bané,	* Hays,	Merchant,	
	(or Fraser)		

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser),
LeBreton, (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Carstairs

Honourable Senators:

Andreychuk,	* Hays,	* LeBreton,	Nancy Ruth,
Carstairs,	(or Fraser)	(or Comeau)	Pépin,
Dallaire,	Kinsella,	Lovelace Nicholas,	Poy.
		Munson,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella,
LeBreton, (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pépin, Poy.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Campbell,	* Hays,	* LeBreton,	Poulin,
Comeau,	(or Fraser)	(or Comeau)	Robichaud,
Cook,	Jaffer,	Massicotte,	St. Germain,
Downe,	Kenny,	Nolin,	Stratton.
Furey,	Kinsella,	Phalen,	

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays, P.C. (or Fraser), Jaffer, Kenny, Keon,
LeBreton, (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Milne

Honourable Senators:

Andreychuk,	* Hays,	Milne,	Rivest,
Baker,	(or Fraser)	Nolin,	Stratton,
Campbell,	Joyal,	Oliver,	Zimmer.
Day,	* LeBreton,	Ringuette,	
	(or Comeau)		

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal,
LeBreton, (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Honourable Senators:

Johnson,	Oliver,	Poy,	Trenholme Counsell.
Lapointe,			

Original Members agreed to by Motion of the Senate

Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Day

Deputy Chair: Honourable Senator Nancy Ruth

Honourable Senators:

Adams,	Eggleton,	* LeBreton,	Nancy Ruth,
Biron,	Fox,	(or Comeau)	Ringuette,
Cowan,	* Hays,	Mitchell,	Stratton.
Day,	(or Fraser)	Murray,	
Di Nino,			

Original Members as nominated by the Committee of Selection

*Biron, Cools, Cowan, Day, Eggleton, Fox, *Hays (or Fraser),
LeBreton, (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Meighen

Honourable Senators:

Atkins,	* Hays,	* LeBreton,	Moore,
Banks,	(or Fraser),	(or Comeau),	Poulin,
Day,	Kenny,	Meighen,	St. Germain,
			Zimmer.

*Original Members as nominated by the Committee of Selection**Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny,
LeBreton, (or Comeau), Meighen, Poulin, Watt.

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	* Hays,	* LeBreton,	Meighen.
Day,	(or Fraser)	(or Comeau)	
	Kenny,		

OFFICIAL LANGUAGES

Chair: Honourable Senator Chaput

Deputy Chair: Honourable Senator Champagne

Honourable Senators:

Champagne,	* Hays,	* LeBreton	Robichaud,
Chaput,	(or Fraser)	(or Comeau),	Tardif,
Comeau,	Jaffer,	Losier-Cool,	Trenholme Counsell.
		Murray,	

*Original Members as nominated by the Committee of Selection**Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton, (or Comeau),
Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.*

THE SPECIAL SENATE COMMITTEE ON THE SENATE REFORM

Chair: Honourable Senator Hays

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,
Austin,
Chaput,
Dawson,

* Hays,
(or Fraser)
Hubley,

* LeBreton,
(or Comeau)
Munson,
Murray,

Segal,
Tkachuk,
Watt.

Original Members as nominated by the Committee of Selection

*Adams, Andreychuk, Angus, Austin, Bacon, Baker, Banks, Biron
Carney, *Hays (or Fraser), *LeBreton, (or Comeau), Murray.*

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OFFICIAL REPORT
(HANSARD)

Thursday, November 2, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, November 2, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

NATIONAL ADVISORY COUNCIL ON AGING

2006 SENIORS REPORT CARD

Hon. Wilbert J. Keon: Honourable senators, on October 26, the National Advisory Council on Aging released their *Seniors in Canada: 2006 Report Card*. This report is a continuation of the study begun seven years ago, an interim report presented in 2001.

The National Advisory Council on Aging, NACA, was created by an Order-in-Council on May 1, 1980 to assist and advise the Minister of Health on issues related to the aging of the Canadian population and the quality of life of seniors. The advisory committee members consulted with gerontology experts, national seniors' organizations and federal government officials.

They focused on five key areas of concern: health, access to health care, economic success, living conditions and societal participation.

• (1335)

Honourable senators, I would like to take the opportunity to highlight some of their findings.

Seniors — those of us over 65 — now account for 4.2 million people in Canada, or 7 per cent of the population. With respect to health, the organization gave seniors a B-minus. Since the information reported in 2001, life expectancy at age 65 has improved, as have rates of chronic pain and incidents of underweight. However, there have been increases in obesity and chronic disease, no satisfactory changes in physical activity, injuries and falls and, surprisingly, honourable senators, suicide rates in men remain high.

The council highlights that in Nunavut and the Northwest Territories, Aboriginal life expectancy at age 65 was almost four years lower than the national average.

In health care, the council rated seniors a C-plus; in living conditions, they were rated a B grade. In societal participation, 17 per cent of all volunteers come from seniors, and 72 per cent of seniors reported a strong sense of belonging to community.

In conclusion, honourable senators, we will witness over the next several decades an alarming increase in the number of seniors and potential retirees. We cannot afford to sit back and watch this segment of our population struggle with the bare essentials of life — a roof over their heads, the promise and certainty of food on their table, the certainty of accessible and affordable health care treatment and the acceptance of self-esteem that comes from being active in their family and community.

I believe we owe it to these important citizens of our country to take this report from the National Advisory Council on Aging and work on definitive, positive measures.

CANADIAN ISLAMIC CONGRESS SCHOLARSHIP ON PEACE AND CONFLICT STUDIES

Hon. Mobina S.B. Jaffer: Honourable senators, I stand today, as we approach remembrance week, to honour the men and women who have lost their lives so that we can enjoy liberty in Canada.

Of course, some of the sacrifices are fresh in our minds. These are the 40 Canadian men and women who lost their lives in Afghanistan, including Captain Nichola Goddard, the first woman to lose her life in a combat role for our country.

After Captain Goddard's tragic death, the Canadian Islamic Congress contacted her family, and with their consent, set up the Captain Nichola K.S. Goddard Scholarship in Peace and Conflict Studies.

Captain Goddard's father, Tim Goddard, and his son-in-law, Jason, discussed whether the scholarship should be set up and determined it would be an absolutely fitting tribute to her memory.

On Monday at the Canadian Islamic Congress' annual gala, Mr. Goddard said:

I believe that this work will help further the hopes and dreams held by Nichola, that peaceful resolution of conflict can be achieved and thus prepare the way for reconstruction of civil society and the establishment of stable nation states.

His words came as the recipient of the newly created scholarship, designed to further the study and promotion of conflict resolution and prevention skills, was announced.

Ahmad Syed, a 27-year-old Master's student in globalization and international development at the University of Ottawa, has become the first recipient of this scholarship, and in his acceptance he outlined its importance, saying:

It is truly an honour to be considered for, and ultimately receive, this scholarship. In accepting it, I would like to thank the scholarship committee and hope that I am able to incorporate in my academic work the ideals that Captain Goddard espoused.

Honourable senators, I believe this award is a touching tribute to Captain Nichola Goddard, as well as a chance to build on the values of peace that Canada has come to represent on the world stage.

I hope you will join me in congratulating Ahmad Syed, and the Canadian Islamic Congress, for this award in Nichola's memory.

VETERANS WEEK

Hon. Michael A. Meighen: Honourable senators, November 5 marks the beginning of Veterans Week, a week devoted to honouring the men and women who have served and continue to serve our country. Events and ceremonies will take place across our land and Canadians from all walks of life will have the opportunity to say thank you to those who have fought to ensure our values and our freedom.

Before I pay tribute to those in uniform, I want to bring to the attention of honourable senators an individual who served those who serve for us.

Jack Stagg, the Deputy Minister of Veterans Affairs, passed away on August 9, 2006. Mr. Stagg was a champion of veterans' issues and played a large role in the establishment of the New Veterans Charter and the 2005 Year of the Veteran.

As the son of two veterans, Mr. Stagg understood firsthand the challenges that veterans face and the unique programs that they require. His countless efforts to improve the programs at Veterans Affairs Canada resulted in great enhancements to the services that are provided to our honoured veterans. His hard work and strong leadership in his department were definitely second to none. He will be remembered for his compassion and dedication to veterans by those who knew him and by those he served so selflessly.

• (1340)

As Deputy Minister of Veterans Affairs, Mr. Stagg oversaw a considerable commemoration project that is nearing completion. The Canadian Battlefield Memorials Restoration Project, a five-year colossal undertaking led by Veterans Affairs Canada, began in 2001. The project is an effort to repair, restore and rehabilitate all thirteen of Canada's First World War battlefields in Europe. Of these memorials, of course, the restoration of the Canadian National Vimy Memorial in France is by far the most challenging element of this endeavour. I am happy to hear that the project is on schedule and that the restoration is scheduled to be completed by the end of this year. The memorial will once again serve as a reminder of the sacrifice and courage of Canadians who fought for our country so many years ago.

[Translation]

As we commemorate the past, it is important to recognize the contribution of those men and women serving in the Armed Forces today. From now on, the term "veterans" will designate more than the military personnel who fought in the two world wars and in Korea.

Veterans Week is our chance to pay tribute to and commemorate members of the Canadian Armed Forces who have participated in more recent conflicts and who are now among the veterans. Many of them returned home after serving in conflict zones, but the wounds and scars of war will forever mark them.

Sadly, Canadian soldiers have been killed while posted in Afghanistan and Lebanon. Veterans Week gives us an opportunity to honour their memory as well.

[English]

The theme of this year's Veterans Week is "Share the Story," and I anticipate that many stories will be shared by our veterans. I encourage all Canadians to speak with veterans and with serving members of the Canadian Forces to learn their stories so that they in turn can be passed on to others.

As the years go by, fewer traditional veterans of both World Wars and the Korean War remain. However, their spirit remains since their stories will live forever. We owe a great act of gratitude to those who fought for us and, without the sacrifice and courage of those in uniform, our great country would not be what it is today.

SUMMER CAREER PLACEMENTS PROGRAM FUNDING CUTS

Hon. Catherine S. Callbeck: Honourable senators, recently the Conservative government announced just over \$1 billion in funding cuts to valuable and necessary government programs, even though the federal government posted a surplus of \$13.2 billion for the past year.

One such cut is to the Summer Career Placements Program, whose funding has been cut in half. That means a decrease of \$55.4 million over two years. This program hired some 50,000 secondary and post-secondary students across the country last year. In my home province of Prince Edward Island this past summer, 400 students were given the opportunity to develop their skills and gain valuable work experience. For those continuing with their post-secondary education after the summer, this income was especially vital because it helped them to pay for their education and avoid long-term debt.

However, it is not just the students who benefit. I would like to point out that many non-profit community-based organizations depend on the SCPP to hire students. Many such organizations will not be able to afford the extra help without this program.

Last fall, the House of Commons Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities did a study on the Summer Career Placements Program. They made recommendations that would expand the program, such as extending the work period for participating students and a higher wage subsidy for those pursuing post-secondary education. These cuts to the SCPP contradict the recommendations of that committee.

The Conservative government has also totally eliminated the \$10-million budget for the International Youth Internship Program. This program was managed by the Canadian International Development Agency and provided young Canadians with the opportunity to work in a developing country. It provided these young people with valuable work experience while contributing to Canada's international development goals.

• (1345)

Honourable senators, in a world where knowledge, education and global experience are becoming increasingly important, it is disheartening that the Conservative government is taking these opportunities away from young Canadians. Instead, this government should be investing in their futures and helping provide Canada's youth with the skills and experience needed to thrive on the world stage.

Honourable senators, I urge the Conservative government to reconsider these unacceptable decisions and reinstate full funding to both these valuable programs.

LECTURE TOUR OF SCANDINAVIA ON DIVERSITY AND PLURALISM

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise today to report on a week-long lecture tour on diversity and pluralism that I just finished and undertook at the request of the governments of Norway and Denmark. I was asked to speak about Canada's multicultural framework as a model for integrating racial and ethnic minorities in Scandinavia. I outlined to the Scandinavians some facilitating conditions that make it easier in Canada to accommodate diversity than it is for many Scandinavian countries.

My trip is perhaps best explained by Canada's Ambassador to Norway, Her Excellency Jillian Stirk, when she wrote in her welcoming letter to me:

Canada and Norway have much in common in terms of social policy, foreign policy and our natural like-mindedness we share. We can also learn from each other on the issue of how to integrate immigrant communities and visible minorities into societies. This is something Canada has a direct advantage with because, as the Norwegian population becomes more diverse, officials at all levels are tackling the challenges this can bring. They are keen to learn from the Canadian experience.

In attendance in Oslo and Copenhagen were senior government officials, journalists, professors, business leaders and students from the University of Aarhus.

The lectures were prescribed to broaden the dialogue on some of the causes and potential cures for the social and economic integration difficulties that exist in much of Scandinavia. In Denmark, for instance, we discussed and analyzed the now infamous cartoon incident.

Honourable senators, I explained the historical background of Canada's foundation by the British and the French, the accommodation of two laws, two cultures, two languages and two religions, and raised the possibility of accepting additional cultures, languages and religions. This biculturalism has predisposed Canadians to being more accepting of other cultures.

I also stressed that economic incentives can also promote diversity. I emphasized that one of the greatest challenges facing Western democracies today is to find talent and skilled labourers. As baby boomers begin to retire, we will face a shortage of

talented and skilled labour across all sectors. Because of low fertility rates and the phenomenon of the inverted age pyramid, we do not have enough young Canadians to fill our research institutions and factories, so we must look to immigration.

Honourable senators, I also explained that the inverted pyramid is affecting other developed countries too. Fertility rates across Europe, for example, are so low that demographers predict that the number of Europeans will drop dramatically over the next five decades, even with immigration. Specifically, Italy's population is expected to fall from 57 million in 2000 to about 45 million by 2050. Spain's will drop by 3 million in the same period. In just 25 years, over almost half of all German adults will be 65 years of age or older.

In conclusion, honourable senators, my lecture tour in Denmark and Norway proved to be intellectually stimulating and challenging and enough of a catalyst that I have been asked to give another lecture to senior Danish bureaucrats in a month or so.

Honourable senators, I believe the most pressing crisis confronting the Western world is the looming skills shortage, and immigration is and will continue to be critical to our labour force growth. I appreciated the opportunity to discuss this topic with so many willing ears in Scandinavia.

[Translation]

ROUTINE PROCEEDINGS

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

GOVERNMENT RESPONSE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government response to the sixth report of the Standing Senate Committee on Official Languages entitled *French-Language Education in a Minority Setting: A Continuum from Early Childhood to Postsecondary Level*.

• (1350)

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

[Senator Callbeck]

Thursday, November 2nd, 2006

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SIXTH REPORT

Your Committee recommends that Senate SEGs and MMG-2s receive a 2.5 per cent increase to salary ranges, effective April 1, 2006, as well as a 1.1 per cent increase to at-risk pay for 2006-2007, parallel to increases adopted by the Treasury Board for Public Service executives and Deputy Ministers.

Respectfully submitted,

GEORGE J. FUREY
Chair

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

PUBLIC HEALTH AGENCY OF CANADA BILL

REPORT OF COMMITTEE

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, November 2, 2006

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SIXTH REPORT

Your Committee, to which was referred Bill C-5, An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts has, in obedience to the Order of Reference of Thursday, September 28, 2006, examined the said Bill and now reports the same without amendment.

Attached as an appendix to this Report are the observations of your Committee on Bill C-5.

Respectfully submitted,

ART EGGLETON, P.C.
Chair

APPENDIX

Observations appended to the 6th Report of the Standing Senate Committee on Social Affairs, Science and Technology

The Standing Senate Committee on Social Affairs, Science and Technology (The Committee) has heard testimony on Bill C-5, The Public Health Agency of Canada Act and has passed the bill without amendment. It would like however to take the opportunity to make the

Senate aware of various issues which need to be addressed in the operations of the Public Health Agency of Canada. Specifically, the Committee wants more recognition of First Nations and Inuit health issues and it wants recognition of the First Nations and Inuit in health legislation.

Therefore, your Committee appends to this report certain observations on the Bill.

A. Link to Health Canada's First Nations and Inuit Health Branch

The Committee is concerned that there is no obligation for the Chief Public Health Officer or the Agency to include the First Nations and Inuit Health Branch of Health Canada in its consultations or operations as the Bill is currently written. It requests that a formal and ongoing link be established between this branch of Health Canada and the Agency

B. Reports

The Committee emphasizes that the Agency should report on the public health status of First Nations and Inuit. As a component of this it wants the Chief Public Health Officer to consider appointing medical officers, as provided for under clause 13 of the Bill, who will represent First Nations and Inuit concerns and who will report regularly on their activities.

C. Committees

The Committee asks that there be an obligation for representation of First Nations and Inuit on the advisory and other committees established by the Minister.

D. Privacy and Data Collection

The Committee is aware that the issue of privacy in data collection has been raised by First Nations. The Committee wants assurances that data will be collected and disseminated only with appropriate consent and privacy safeguards for First Nations and Inuit individuals.

E. First Nations and Inuit Public Health Act

The Committee notes that there is no legislative basis for the Federal Government's role and responsibility for provision of health services for First Nations and Inuit. The Committee wants the Government to work collaboratively with First Nations and Inuit in the development of a First Nations and Inuit Public Health Act and other relevant statutes. The Committee intends to be seized of this matter of dealing with public health issues with respect to First Nations and Inuit.

F. Review of the Agency

The Committee will recall the Agency for a full review of their operations after six months in order to determine the extent to which it has implemented these observations and, specifically, to confirm the Agency's commitment to the First Nations and Inuit.

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Eggleton, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-19, to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1355)

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER DOCUMENTS FROM STUDY ON BILL S-39 IN PREVIOUS PARLIAMENT TO STUDY ON BILL S-3

Hon. Donald H. Oliver: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the papers and evidence received and taken and work accomplished by the Standing Senate Committee on Legal and Constitutional Affairs on Bill S-39, An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registry Act and the Criminal Records Act during the First Session of the Thirty-eighth Parliament be referred to the Committee for its study of Bill S-3, An Act to amend the National Defence Act, the Criminal Code, and the Sex Offender Information Registration Act and the Criminal Records Act.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER DOCUMENTS OF STUDY ON MENTAL HEALTH AND MENTAL ILLNESS FROM PREVIOUS PARLIAMENTS TO STUDY ON FUNDING FOR TREATMENT OF AUTISM

Hon. Art Eggleton: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the papers and evidence received and taken by the Standing Senate Committee on Social Affairs, Science and Technology on the study of mental health and mental illness

in Canada in the Thirty-seventh and Thirty-eighth Parliaments be referred to the Committee for its study on the issue of funding for the treatment of autism.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF FUNDING FOR TREATMENT OF AUTISM

Hon. Art Eggleton: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That notwithstanding the Order of the Senate adopted on Thursday, June 22, 2006, the Standing Senate Committee on Social Affairs, Science and Technology, which was authorized to examine and report on the issue of funding for the treatment of autism, be empowered to extend the date of presenting its final report from November 30, 2006 to May 31, 2007.

QUESTION PERIOD

THE SENATE

OFFICE OF LEADER OF THE GOVERNMENT—
MEDIA LEAK ON NATIONAL SECURITY
AND DEFENCE COMMITTEE TRIP TO DUBAI

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate. The Standing Committee on Internal Economy, Budgets and Administration was made aware this morning of an email exchange between a member of her staff and the administration of the hotel where the Standing Senate Committee on National Security and Defence stayed during their travels to Dubai. In those emails, specific information that was later leaked to the media was requested. Was this done at her request?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question.

I was not listening to the testimony this morning. I was told about this allegation, but I have no knowledge that it is true.

Senator Hays: Honourable senators, if I could quote from the documents that were brought forward at the Internal Economy Committee meeting this morning, they refer to the Renaissance Dubai Hotel and a member of the government leader's staff asking a specific question about invoices rendered by the hotel in the name of Senator Kenny, a detailed breakdown for each room and, if possible, information on room charges. I am summarizing to some extent. Does that help the honourable leader in terms of what it is that I am referring to?

Senator LeBreton: Is the honourable senator asking me whether I was aware of this request to the hotel, or is he asking me whether I was aware that this information was leaked to the media? I am not clear about the question.

• (1400)

Senator Hays: My question was: Was the inquiry made to the hotel and the leak of that information to the media done at the request of the Leader of the Government?

Senator LeBreton: The answer is no.

Senator Hays: Having said what I said, and having the record of today's meeting of the Standing Committee on Internal Economy, Budgets and Administration, has the Leader of the Government begun an inquiry into this matter both in terms of the correspondence to which I referred, and which was brought forward in the Internal Economy Committee, and in terms of it being a matter coming out of the leader's office?

Senator LeBreton: What the honourable senators asks, if this is the subject of an inquiry, I do not understand the premise of the question. We all know that the committee was in Dubai. We all know they stayed in a hotel. What does the honourable senator want me to inquire into? The fact is that I was aware of this testimony this morning and, as I stated a moment ago, I had no knowledge that in fact this information was true. The honourable senator has documents produced to the Internal Economy Committee, but what is the issue here? Did the committee travel to Dubai? Yes. Did they stay in a hotel? Yes. Is there some reason the public should not be aware of this information? That is my question.

Senator Hays: Honourable senators, first, I thank the Leader of the Government for her answer that she had no knowledge of, and that she had nothing to do with, this matter. The fact is, however, that the correspondence establishes clearly that a staff person in her office requested the information. It was placed on October 17, as I understand it, and on October 18 a television network carried a program on this subject, releasing information that was in this correspondence. The television network's website indicates that the source of that information was a leak.

Based on that knowledge, is the leader making an inquiry in her office as to the source of this leak, as to whether the leak was her staff person? I ask this question because, as she has heard me say before, she represents the government here and she represents the Senate to the government. She is also, after the Speaker, the most important person in this chamber in terms of the model that she presents and what she does.

This matter that has come forward in the Internal Economy Committee is serious. It deserves her attention. My question to the leader is: Is the matter getting her attention and, if not, will it?

Senator LeBreton: Honourable senators, Senator Hays talks about my responsibilities to the Senate as the Leader of the Government. Let me say that I have been a senator since 1993. I consider it a great honour. I do not consider myself to be part of a closed society and I do not think I am entitled to any special privileges. I take my responsibilities seriously, but I happen to belong to a government and a party that believes in openness and transparency. The public demands openness and transparency, and I think the public expects those qualities of the Senate as well.

Senator Hays: Honourable senators, I am not sure that is an answer but, in any event, I will leave it at this: I have not heard from the leader and I would like to hear from her that, if

this matter originates from her office — and that is well documented — she will look into this matter and answer the question I have asked. She has answered that she had nothing to do with the matter and did not know about it, but can that also be said about her office?

Senator LeBreton: Honourable senators, in his previous question Senator Hays talked about a leak to the media. When something is a leak, it is a leak of a secret document. I think there were four senators and several staffers on this particular trip. I presume all of them stayed in the same hotel.

• (1405)

It is an assumption to say that my office staff was responsible for the leak. The documents seem to indicate that some inquiries were made in this regard. After all, it was well known, even before this story broke about the trip to Dubai. I will not initiate any kind of investigation. I have a small staff and they work hard. I point out that my predecessors had 20 to 22 people working in their office; I have nine. I will not go on a witch hunt against a member of my staff about how some media outlet obtained a document. The media could have gotten it from a member on the honourable senator's side.

Some Hon. Senators: Shame!

Senator Hays: I regret that the honourable senator's answer is that she does not care. She should care and I urge her to reconsider. If this kind of information is needed or wanted, there are sources within the Senate — the Standing Committee on Internal Economy, Budgets and Administration and the officers at the table — and in future, I urge her to use those sources. I do not feel comfortable with the leader's answer that she does not care about it and I urge her to reconsider.

Some Hon. Senators: Hear, hear!

Senator LeBreton: Honourable senators, I did not say I did not care. I said that this information could have been made available to the media by several sources. Three or four senators were on that trip and there were clerks. I will not leap to a conclusion as to the source of the leak on the basis of information that was tabled before the Internal Economy Committee this morning.

I take no lessons from anyone on that side about my responsibility as a senator, because I take my job seriously.

Senator Fraser: What has that to do with it?

Senator LeBreton: It has a lot to do with it. Senator Hays says I do not care. I do care about the Senate. Having said that, I do not believe that the Canadian public expects government nor an institution that is paid for by the taxpayers to be exempt from being open and transparent about the tax dollars they spend.

Hon. Tommy Banks: Honourable senators, I do not envy the Leader of the Government today, and I appreciate the position in which she finds herself.

Senator Tkachuk: What is going on here?

Some Hon. Senators: Sit down!

Senator Tkachuk: Point of order, Your Honour.

Some Hon. Senators: No point of order.

The Hon. the Speaker: Order. Honourable senators, we will continue with Question Period in the manner that this chamber is accustomed.

The Honourable Senator Banks has the floor.

Senator Banks: When did the leader first become aware of the fact that Mr. Jeffrey Kroeker, who works in her office, corresponded with the Renaissance Dubai Hotel and asked them for specific details on the hotel bills of senators who were there on Senate business?

Senator LeBreton: In his preamble the honourable senator said he does not envy me. I have no problem standing here as the Leader of the Government in the Senate defending my staff and defending what I believe the Canadian taxpayers expect of their senators. That is openness, honesty and transparency.

In answer to the question, I heard about the testimony this morning. I did not listen to the testimony. As I said in an earlier answer, I have no knowledge whether this testimony is in fact true. Senator Hays claims to have documents. Senator Hays asked me whether Mr. Kroeker was the source of the leak. There is no evidence to suggest that Mr. Kroeker is the source of the leak.

• (1410)

Senator Banks: That is not the question. When did the government leader first become aware that Jeffrey Kroeker telephoned and subsequently wrote to the Renaissance Dubai Hotel asking for specific details about the hotel charges of senators who were there working? When did the Leader of the Government in the Senate first become aware of that irrefutable fact?

Senator LeBreton: Honourable senators, first, I do not think it is a terrible act for a staff member to make inquiries. I answered previously that I was not aware that Mr. Kroeker had made any inquiries. However, I support his right, as a person working on such files, to make any inquiries he wishes.

Having said that, and in answer to the specific question, I was made aware of what was said in the committee this morning. I have no reason to believe it was true, but the honourable senator claims to have documents. I stand by my staff.

With regard to the concern raised earlier about the source of the leak, as I said, I have no proof, nor does Senator Banks, that the said staff member was responsible for these leaks.

Senator Banks: The Leader of the Government in the Senate used the word "leak," and she has not answered my question. She spoke about when she first heard about what was said in committee today.

I asked the government leader when she first learned of Mr. Kroeker's inquiries. I shall ask the question again, as well as a supplementary question.

The government leader just said that she expects her staff to make inquiries. Bear in mind that a detailed hotel bill includes such things as the telephone numbers that were called from a room. The government leader has just said that her staff is expected, and that she believes Canadians expect her staff, to make inquiries of a hotel in Canada — be it in Regina, Vancouver, Tuktoyaktuk — details of senators' hotel bills, bills that contain privileged information.

In fact, the correspondence from the Renaissance Dubai Hotel to Mr. Kroeker says "privileged and confidential" right at the top of it. If I make a phone call from a hotel anywhere in the world to another politician or to a member of the press, the fact that I have made that phone call is not public information, nor is it Mr. Kroeker's business. I do not think senators should expect that they will be spied on in this way.

Some Hon. Senators: Hear, hear!

Senator LeBreton: I agree with that comment. I have no knowledge of what information was given. I have not seen the documents. I do not know whether the information given included details of phone calls that were made, movies that were watched, or any other services. My point was that when information of this kind is on the public record I have no problem with people trying to verify it. I do not know what the policies of hotels are.

Obviously, the inquiry was made. I do not know what kind of information the hotel provided; I have not seen it. I would be surprised if a hotel would include a list of individual charges, such as telephone numbers that were called. I have not seen these bills, so I do not know what Senator Banks is referring to.

• (1415)

Senator Banks: I have one final question, honourable senators. The questions and answers that immediately precede this one speak for themselves, and I will ask one last question, which includes a number of things.

I have documents that I will table if it pleases the house, but I will refer to them nonetheless. I believe all members have seen the document, which is a letter dated October 19, from the Vice Chief of the Defence Staff. It is redacted in the form in which it has found its way into the public domain, but it is widely distributed to all news media and, conveniently, has been on the Internet since October 19.

It turns out that this letter was addressed from the Vice Chief of the Defence Staff directly to the Leader of the Government in the Senate. This version, as I said, has been redacted. I presume it is a private and personal piece of correspondence. I am left to wonder at whose behest it was written. I doubt whether the Vice Chief of the Defence Staff decided one day, "I think I will write to the Leader of the Government in the Senate." Notwithstanding the reason for the letter, here is a private communication from the Vice Chief of the Defence Staff addressed to the Leader of the Government in the Senate, which has found itself onto the format of every media outlet, press and electronic, in this country and is widely distributed on the Internet. I wonder how that is so and whether that, too, is a matter that her government regards as a proper way of doing things.

I will ask the same question about this hotel bill, which was generated on October 7, long after these senators left this hotel. This hotel bill is in the hands of every media outlet in every form in this country and on the Internet. It was obtained by a person in her office, and it has since found its way as I described, and is widely distributed in this country.

Minister, how is that possible? We are left only to ask how it is possible that a private communication from the Vice Chief of the Defence Staff to her, a letter — not an email — has found its way into the public domain.

Senator LeBreton: I thank the honourable senator. He is right. I have the letter and I will be happy to table it. It was sent to me on October 19, and I circulated it because it was not private and confidential. At the time, a question of privilege was raised by my colleague with regard to the travels of this particular committee, so I circulated the letter. I did not solicit the letter. I received the letter, and I made the assumption that the assistant Chief of Defence Staff sent it to me as a result of the news stories that were out.

Some Hon. Senators: Oh, oh!

Senator LeBreton: I wish Question Period was televised on a day like today.

Some Hon. Senators: Hear, hear!

Some Hon. Senators: Oh, oh!

An Hon. Senator: Careful what you wish for!

Senator LeBreton: The fact is, this letter was received by me. I did not solicit this letter. I took it as an effort by this gentleman to put the facts on the record because of the misinformation being circulated in the media by various people in this place, who will remain unnamed. He sent me this letter. It was not a personal and confidential letter. I had it photocopied and sent it to my colleagues, and I would be happy to table the letter. You will see my name is there; I did not blank it out. I do not know who did that. I was grateful to receive the letter as it clarified a lot of things.

With regard to the hotel bill, I have not seen the hotel bill.

Senator Banks: The minister is the only one in Canada, then.

• (1420)

Senator LeBreton: Obviously, the honourable senator is very sensitive about this hotel bill. I do not know what kind of detail is included on the hotel bill, but I do not understand why there is such concern. The committee went to Dubai, they stayed in a hotel, they spent taxpayers' dollars, and the taxpayers have a right to expect proper accounting for their tax dollars. No one in the Senate, provided his or her activities are all above board, should be concerned about public scrutiny, it would seem to me.

The Hon. the Speaker: Honourable senators, before I proceed to the next questioner, both Senator Banks and Senator LeBreton have indicated their intention to table a document.

Senator Corbin: We can do that later, I believe. At the end of Question Period, not now.

Hon. Colin Kenny: Did the Leader of the Government in the Senate ask the Minister of Defence to have the Vice Chief of the Defence Staff send the letter?

Senator LeBreton: The honourable senator thinks I have powers way beyond what I possess. I did not.

Senator Kenny: Then did the Minister of Defence ask the Vice Chief of the Defence to send the letter?

Senator LeBreton: Perhaps that is a question the honourable senator could ask the Minister of Defence.

Senator Kenny: The Minister of Defence is not in the chamber. Will the government leader take notice of the question and advise the chamber whether the request came from the minister's office to the Vice Chief of the Defence Staff?

Senator LeBreton: Honourable senators, the military are very much in control of their own letter-writing activities, I am sure, but I shall take that question as notice.

Senator Kenny: I shall restate my question to the government leader: Did the minister's office ask the Vice Chief of the Defence Staff to write the letter? Mark those words and give us the answer.

Senator LeBreton: I wish the Honourable Senator Kenny would improve his tone when asking these questions. Senator Kenny is not the king of the Senate. I said publicly — and I mean it with all sincerity — and I wish to say it here, Senator Kenny is well known in this chamber as a person who will not take no for an answer. I said I had nothing to do with receiving the said letter, and I have already indicated to Senator Kenny that I will take the question as notice.

Hon. Joan Fraser (Deputy Leader of the Opposition): The Leader of the Government in the Senate says she believes in transparency, openness and, indeed, accountability; so do all of us. The government leader says she is proud to be a senator; so are all of us. We all believe in the integrity of this institution, but this institution has well-established and very rigorous procedures to guarantee appropriate accountability, openness and transparency about its spending. In light of that, instead of having the Internal Economy Committee and the Senate's administrative procedures verify the appropriateness of spending, does the Leader of the Government in the Senate actually believe that it is appropriate for staffers to short-circuit that process, to go around poking into what senators have done in the course of their senatorial business.

In the event the government leader is uncertain as to the rigorous nature of the Senate's administrative services, there have been numerous occasions where I have submitted expenses, in good faith, believing them to have been incurred in the course of my senatorial work but where those expenses have been refused. As a result, I have, of course, paid.

This is a good system we have going for us.

• (1425)

What is appropriate? What is fair, open, transparent and respectful of the Senate and its work in having staffers go snooping?

Senator LeBreton: Honourable senators, I believe we have a process in place in the Internal Economy Committee. We obviously had a full hearing this morning, so I am told; I do not know exactly what time it ended. I believe this matter must be resolved still by the Internal Economy Committee.

I will take no lessons or lectures from anyone on that side about the proper behaviour of a senator. I am fully aware of my responsibilities. I have conducted myself with integrity and honesty, and I will not take lectures from anyone, especially senators on that side.

Senator Fraser: My question was not about the behaviour of the Leader of the Government. It was about what is appropriate behaviour for staffers.

Most of us, I think, would be shaken to discover that our staffers were poking into how other senators performed their job, when that job had been dually authorized by the Senate in subcommittee, in committee and in the full chamber.

Senator LeBreton: The honourable senator is making a lot of allegations about the activities of my staff. As I said in my first answer to Senator Hays, I had no knowledge that any of this matter that was before the Internal Economy Committee was true.

We have many issues before us as senators, and we certainly are responsible for our staff. I have great faith in my small and very good staff. I do not believe that anything improper was done here in terms of openness and transparency.

As I said in my earlier answer, I am awaiting the findings of the Standing Committee on Internal Economy, Budgets and Administration. Like all matters in this chamber — and we have had other matters recently before the Internal Economy Committee — I am anxiously awaiting the findings, deliberations and recommendations of the committee. Ultimately, all questions honourable senators were posing here today relate to the matter before the Internal Economy Committee, and the committee has not had time to adjudicate on them, as far as I know.

Senator Fraser: As a final supplementary, would the Leader of the Government in the Senate take it upon herself to read the document that was tabled in Internal Economy, and if she conclude that there is reasonable evidence — and it was a public hearing — that some staffers believed it was appropriate for them to do this kind of work, would the honourable senator undertake to establish a system of principles and practices in her office to indicate to all staffers that this is not appropriate behaviour?

Senator LeBreton: I will not dignify that with an answer.

Hon. Larry W. Campbell: Honourable senators, I rise to make an apology to the Senate. Words escaped my lips that were both unprofessional and inappropriate, and I would like to apologize to anyone whom I offended. Thank you.

[Senator Fraser]

• (1430)

Senator Banks: Honourable senators, I would ask leave to table in the house the documents to which I referred in Question Period.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator LeBreton: I will do likewise.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

The Hon. the Speaker: On that point, honourable senators, Senator Corbin was correct. It is also the practice that during Question Period one does not refer to documents. It is in debate that senators make reference to documents.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that, when we proceed to Government Business, the Senate will address the items beginning with Item No. 1 under Reports of Committees, followed by the other items in the order in which they stand on the Order Paper.

[English]

FEDERAL ACCOUNTABILITY BILL

REPORT OF COMMITTEE—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Comeau, for the adoption of the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, with amendments and observations), presented in the Senate on October 26, 2006;

And on the motion in amendment by the Honourable Senator Milne, seconded by the Honourable Senator Cook, that the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs be not now adopted but that it be amended at amendment No. 146(a), by adding, in the French version, after the word "Commission," the following:

"ou le renouvellement de son mandat,".

Hon. Larry W. Campbell: Honourable senators, I rise today to speak to Bill C-2, the proposed federal government accountability act.

It has been both a pleasure and a privilege to work with honourable senators and to hear from the diverse group of witnesses that appeared before us. The committee worked tirelessly, hearing from as many witnesses as possible to ensure that unintended consequences were minimized by this bill. I would like to thank the chair, the clerk and Senator Day and his staff for helping with the organization and scheduling of witnesses when the committee needed additional testimony to inform their decisions.

I, like other members of this committee, strongly support the aim of Bill C-2, to strengthen accountability and increased transparency. Unfortunately, spelling mistakes and grammatical and translation errors aside, this piece of legislation received from the other place was flawed. The committee has made 156 amendments, 42 of which were introduced by the government. The changes to the legislation introduced by the committee will improve this bill for all Canadians.

The proposed amendments before honourable senators are the recommendations of the committee that represent some of the discrepancies found between the stated policy of increased accountability and the actual effects of the legislation. My purpose in speaking today, honourable senators, is to underline the importance of the amendments in this bill, specifically as they relate to lobbying.

The committee heard from a variety of witnesses from the lobbying sector. They raised numerous concerns with respect to the legislation and outlined the detrimental effect that increased reporting, a five-year ban and the reporting of trade secrets will have on lobbying. The government's attempt in this bill to create a pseudo-ban of lobbying by changing the lobbying restrictions from a one-year ban to a five-year ban negates the important role that lobbyists play in the public sphere. The five-year ban was described by numerous witnesses as a prohibition on lobbying. The Honourable Joe Jordan, now working with the Capital Hill Group, described the change as a "prohibitive ban" and that "two years would get you where you want to go in terms of what this legislation is trying to do."

I raise this issue because I believe that in not only this area but also many other sections of the bill, the government, in its haste to do something, has not taken the time to understand the implications of its actions. The committee has respected the government's decision in terms of the five-year ban. We have, however, included a strong observation on this issue, and we would like government to revisit the implications and the length of the ban.

I reiterate that the rest of the committee and I believe that the government needs to restore faith and trust in institutions, but I caution against knee-jerk reactions over the careful study of the issues and the effects that new regulations will impose on the government, the private sector and Canadian citizens.

Lobbyists have received bad press in recent years and lobbying is often viewed in the public sphere as a negative vocation. Contrary to popular belief, lobbyists acting on behalf of their

clients frequently act as an educator and are able to navigate the maze which is Parliament to bring the attention of parliamentarians to issues that affect their clients, the government and the public at large.

A clear example of the benefit that lobbyists provide would be the various agricultural lobbyists who advocate for important issues surrounding farming and predominantly rural issues. The urban and insulated group of politicians located in Ottawa rarely hear of the plight of rural farmers firsthand. The need to have a representative who understands the process of government and the various methods of contacting officials is vitally important to maintaining an informed government apparatus.

Lobbyists serve an essential purpose. However, their voices should not be heard above the public good. This is why it is necessary to have legislation that allows lobbyists' activities to be monitored and forces individuals who try to influence government to do it publicly rather than secretly.

Under the lobbying section of Bill C-2, the government has created a greater reporting regimen, which is beneficial in monitoring lobbying activities. These new regulations will minimize the number of unregistered lobbyists, thereby creating a more transparent environment where senior public officials can confirm the registration of lobbyists and uncover unregistered lobbyists who are contravening Lobbying Act regulations.

The success of this section of the bill is dependent on the powers and the funding that will be given to the commissioner of lobbying and his office. The ability to demand information from senior public officials or lobbyists is essential to guarantee that those who break the rules take responsibility for their actions.

Bill C-2 will require that:

No individual shall obstruct the Commissioner or any person acting on behalf or under the direction of the Commissioner in the performance of the Commissioner's duties and functions under this Act.

If the lobbyist decides to go underground and ignore a ban imposed by the commission, the amendments made by the committee will now make it an offence.

Any person who fails to comply with a prohibition of the Commissioner...is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000.

With these new powers comes the responsibility to report on wrongdoing when it occurs. The commissioner, under these amendments, will now be required to report infractions in either an annual or special report to Parliament.

One of my concerns with respect to this bill is the ability of the commissioner to carry out his duties with the current level of funding allocated to the department. I point to the testimony of the Honourable Joe Jordan and Mr. Leo Duguay.

You have 4,700 to 5,000 registered lobbyists who now register their clients twice a year. We met with a representative of the office and have learned that the process is becoming more robust. They are questioning

entries. We used to simply change the name on the top of the sheet and register five people. They are doing their job, or trying to, but they are stretched in terms of resources.

If you are now going to require filings for phone calls and meetings, that will be between 300,000 and 400,000 filings per month. The government is running a registry. Think of our experiences with this. I agree with Mr. Duguay. Take the current budget for this office, and, if all you want them to do is the paperwork, multiply it by 30.

For your information, the budget is now \$3.5 million.

If you want them to analyze the paper and take action on problems, multiply it by 50. The budget is \$3.5 million.

I am not saying that transparency decisions should be made based on cost. I am only saying to get your chequebook out because this will be expensive.

• (1440)

I would like to draw the attention of honourable senators to the logistics of what we are attempting to do with this legislation. I believe the government needs to carefully consider how the actual reporting will be conducted. The current budget for the lobbying commissioner is \$3.5 million for current operations with a provision for more funding. The government must consider what it wants from this office and fund it accordingly. There is a great probability that unforeseen circumstances will create ballooning costs. Conversely, if the funding is not available, we will have created a department that files paperwork but does not have the resources to look into wrongdoing.

I believe the amount of funding in the drafting of the reporting mechanism for lobbyists is extremely important issue for this government to consider if it really wants accountability or merely the perception of accountability.

In addition, the Senate committee recognized the difficulties faced by not-for-profit organizations who, with limited budgets and staff, would struggle to fulfill reporting requirements set out in Bill C-2. The committee has amended the bill by equalling the reporting requirements of organizations and corporations, making it a more consistent and fair process for all involved.

The amendment proposed by the Senate committee will strengthen the commissioner's power, close loopholes in the legislation, and clarify and improve the wording throughout the bill. This amendment will make the act more consistent, guaranteeing the reporting of wrongdoing, all the while ensuring that the reporting requirements are not so onerous as to drive lobbying underground.

The changes that the Standing Senate Committee on Legal and Constitutional Affairs made to Bill C-2 have improved this legislation. It will, with the government's amendments, make government more transparent and accountable to all. Thank you.

Some Hon. Senators: Hear, hear!

Hon. Grant Mitchell: Honourable senators, I welcome the opportunity to address this legislation. The opportunity to work on this legislation, to work as hard as the committee has worked

and be part of that work to improve and enhance the ability of this legislation to actually work, was a fulfilling experience for me in my short time here. I hope that we have many other opportunities to work in this way. It was an exceptional experience.

I would like to thank and recognize Senator Oliver for his work as chairman of this committee. It is clear from some of the statements that he made in the Senate and elsewhere that he was probably not fully in favour of us taking the time we took to consider this legislation carefully. Nonetheless, he rose above that viewpoint in administering and managing the committee through what was a complex series of amendments. I think he is to be congratulated for that.

Hon. Senators: Hear, hear!

Senator Mitchell: I would also like to recognize Senator Day, who provided outstanding leadership in managing the efforts largely of the Liberal senators to analyze this legislation and to present what I believe and what I believe Canadians will also understand to be exceptionally worthwhile amendments to a piece of legislation that was clearly flawed.

Having said that, it is clear the government in the other place does not fully understand that the legislation was flawed, or is making every effort to deny that by attacking us in the absence of making concerted substantive comments outlining why this bill in fact was not flawed.

I want to express my disappointment at the statements of the Prime Minister that have been destructive of this institution, not just of the Senate but also of Parliament generally. Many people do not discern the difference. His attack on our credibility was unfounded, unnecessary and was disappointing to me.

Equally, if not more disappointing, was the fact that to some extent the Leader of the Government in the Senate actually abetted those attacks. We saw residue of that today. Somehow, because the Senate in undertaking its constitutional obligation with constitutional legitimacy to review and provide sober second thought on a bill that is so clearly flawed and needs that sober second thought, in spite of that, even the Leader of the Government in the Senate has been part of an attack on this institution.

It is a particularly debilitating attack when we begin to attack ourselves. We can have a particularly destructive effect on the credibility of this institution. I believe we should be more than willing, in fact, driven, to rise above that kind of behaviour.

Some Hon. Senators: Hear, hear!

Senator Mitchell: I think the behaviour of the Leader of the Government in the Senate was unbecoming. I hope it does not become a habit.

The interesting thing in all of this is, despite the fact that the Prime Minister and members of the government in the Senate will not admit, publicly or expressly, that there are serious flaws in this legislation, they proposed more than 40 amendments.

While one of the senators was quick to point out that the amendments were technical, one was so fundamentally basic that they actually needed to clarify a significant group of people to whom this legislation would apply because they had misdefined the group to whom this legislation would apply. I refer to the amendments that changed senior public office-holder to designated public office-holder. That change seems to me to be far more than a technical mistake. In fact, it underlines the need for us to have spent the time we did in reviewing this legislation in the detail this committee reviewed it, particularly the Liberal members of the committee.

I was shocked to hear earlier this week another member of the Senate say that it was not our role to question government legislation or to change it. Surely, that is exactly what our role was. This legislation was a clear-cut case for where we should have applied that role.

Let me provide examples of how clear-cut it was. Not only does this complex legislation cover a massive number of pieces of legislation and makes many changes, but there are clear indications of where it was flawed.

First, there was a direct conflict between the cooling-off periods mentioned in two different places in this legislation with respect to conflict of interest. One part said two years, and another said five years. How is that to be reconciled if we do not amend the bill?

With respect to the creation of a procurement auditor, one would expect if such a position was created in this legislation, the legislation would give the auditor auditing powers. However, there is no mention of auditing powers.

In fact, this legislation creates a procurement ombudsman who can question and deal with people's complaints about the procurement process, and so we naturally amended it to name it what it is: procurement ombudsman.

What is more disconcerting about the procurement auditor-ombudsman position was that despite the fact that this government wants true accountability, openness and transparency, this legislation would have left the power with the Prime Minister to limit where the procurement audit could look. The Prime Minister could simply say it is an area we do not want the procurement auditor-ombudsman to investigate.

Not only that, but the procurement auditor position was further limited by the fact that while the procurement auditor could review contracts — in fact, that is about all the procurement auditor will be able to do — that person would not have been able to cancel any contracts. What is the purpose of the function rather than to look, after the fact and perhaps without the jurisdiction, into those areas that require careful consideration?

This legislation deals with lobbying, limiting lobbyists and regulating what lobbyists can do. At the same time, the bill fails to define what a lobbyist might be.

This omission was glaring with respect to the National Citizens Coalition. Is there anybody in this chamber who actually believes that the National Citizens Coalition is not a lobbyist

organization? Of course the coalition is a lobbyist organization. The group refused to appear before that committee, ironically.

Not only are the organization clearly a lobbying group that tries to influence public policy from a specific point of view, but we have no idea who contributes to them with taxpayer deductions. We have no idea who pays for them to perform that lobbying, and there is no requirement in Bill C-2 for the coalition to be registered. If ever there were a lobby group that should be registered as a lobbyist group, it would be the National Citizens Coalition. I do not know that it is a coincidence that the Prime Minister was the former President of that group.

• (1450)

There are some places, honourable senators, where I should like to highlight our improvements. Much has been made of the proposed cuts to party financing and of our initiative to track the government from \$5,200 limits now to \$1,000. Our proposed amendment puts that back to \$2,000. There is much umbrage on the part of the government with respect to that.

If I can share my opinion in this regard, political parties in this country, despite the fact that some hold them in disrepute, play an exceptionally important institutional role in this successful parliamentary system. I have said in this chamber on a number of occasions that the parliamentary system as we know it in Canada is the most successful system of government on the face of the earth today. It has lasted hundreds of years, longer than any other system of government. There are reasons for it being so successful, one of which is that it has many mechanisms to develop consensus and to allow for consensus decisions, which in turn allow for change but not precipitous change in our democracy. Democracies that change in that way evolve successfully and are successful democracies. However, if this government lowers the funding of parties too far, the ability of political parties to participate in that important public policy debate and political democratic debate will be stifled.

Ironically, again, while this proposed legislation would serve to do that, the National Citizens Coalition can raise unlimited amounts of money and spend unlimited amounts of money, slightly limited during elections, but for many years between elections can spend unlimited amounts of money, can literally put billboards on every corner of every street in this country without any restriction and participate fully in the political public policy democratic debate. On the other hand, this government would have it that political parties should be limited and stymied in their ability to do that.

Senator Austin: Well said.

Senator Mitchell: Therefore, we have proposed an increase to the funding that has been prescribed in Bill C-2 — and not for a specific partisan reason. The proposed increase This would affect all parties, including small parties. It is essential to the political process that we allow political parties to function properly and adequately.

I will add that it is offensive to me that so much of what is done in this proposed legislation and in this particular part of the bill is based upon some fundamental suspicion that this government seems to have of government and of people in the political process. Perhaps that is the experience of people in the Conservative Party. My experience with people in the political

process is that almost every last one of them is well motivated to do what is right and fair and to make this country better. I find it offensive that this proposed legislation is so fundamentally premised upon suspicion of people who even dare to enter the political process.

Some Hon. Senators: Hear, hear!

Senator Mitchell: I am not surprised, honourable senators, by this government's sensitivity about this particular portion of the proposed legislation. The reason for the government's sensitivity around this particular issue is that they are in serious difficulty with the Chief Electoral Officer of Canada as a result of their failure to properly register delegate fees to their convention.

Senator Nolin made an aggressive statement that somehow Canadian taxpayers should not be funding conventions. I beg to differ, honourable senators. If the Conservative Party's methods were to be followed, there could be a \$2-million convention, and no Canadian outside the fundraisers and bag people in the Conservative Party would have any idea of who bought and paid for that convention. In other words, without a requirement for delegate fees to be registered as proper contributions under the political contributions legislation of this country, we would have no idea who funded their convention.

Senator LeBreton: We funded it ourselves.

Senator Mitchell: What companies funded it? Honourable senators, we still do not know the majority of people who funded the Prime Minister's first leadership convention. We still do not the majority of people who funded the Minister of Foreign Affairs' leadership convention.

How do we know, honourable senators, what companies are benefiting from this government's lack of an environmental policy? What companies are benefiting from that that might have given money to the Prime Minister in his first leadership race? I can understand why this government is so sensitive about that and why they are trying to distract from the topic by alleging that the Liberals are unnecessarily or inappropriately proposing to increase the reduced limits under Bill C-2. Honourable senators, nothing could be more appropriate than what we are attempting to do to amend the proposed reduction of limits under C-2. We have to make the political process in this country fair and open and we must allow people to participate as they should be able to participate in a properly constituted democracy.

Some Hon. Senators: Hear, hear!

Senator Mitchell: Honourable senators, let me also say that I am equally disappointed when I hear cheap political shots about how we, Liberals, want to delay the implementation of this proposed legislation for some reason to do with our leadership race. Let us talk about fairness.

First, small political parties, ones that are at the stage where the Reform Party was in 1988 or 1989, who need to be nurtured to make this democratic process work properly, have said that it would be onerous, difficult and destructive for them to have to retroactively assess the impact of this bill, if it is done retroactively.

[Senator Mitchell]

In a sense of fairness, let us look at the following example: If an individual contributed \$6 to the Liberal Party earlier this year, under the expectation that the contribution limit was \$5,200, that individual would not be able to attend the leadership convention, under Bill C-2 as it stands. The individual would be disenfranchised; he or she would need \$995 but would only have a remaining contribution amount of \$994. Even the most partisan of these senators — and many of them are on the Conservative side — would admit that that is unfair and uncalled for, honourable senators.

The procurement auditor —

The Hon. the Speaker: Is Senator Mitchell requesting additional time?

Some Hon. Senators: Agreed.

Senator Mitchell: I alluded earlier to the procurement auditor. Clearly, it is not an auditor, if an auditor needs to have auditing powers, because they are not in the legislation. We have proposed the name ombudsman, because the function for this person will be to respond to any complaints that are submitted by contractors in the public about the procurement process.

Interestingly enough, one could argue that this is just more expensive bureaucracy that is probably not necessary. There were 416,000 contracts last year and 50 complaints, 10 of which were seen to be legitimate by an external tribunal. Who knows how much money the Conservatives will spend on this — Conservatives who want less government and want to spend less money on government. They do not even have a budget. They have no idea what this will cost. We are calling it what it is — that is, an ombudsman. Not only that, we will ensure that the Prime Minister does not have unlimited powers to limit what that position does, and we are ensuring that that position actually has power to do what it should be able to do if. If it finds a problem, it can cancel the contract.

Finally, the parliamentary budget officer is not a bad idea. Before I sit down, I wish to say that the idea of this bill is quite commendable, and we support and embrace it. We just want it to work properly. The parliamentary budget officer is a great idea. The problem is, once again, the government has approach avoidance — that is, they want it but they are afraid of it. Under Bill C-2, the parliamentary budget officer will be highly levered and influenced by the government side and not by Parliament as a whole. Under Bill C-2, the input of the opposition side of both Houses into the choice of that person is limited. Under Bill C-2, the officials, the departments to whom that person might request information, can give the information requested to the parliamentary budget officer at their convenience. If the purpose is to have a parliamentary budget officer who can do something in an objective and independent way, then the individual must have the power to get the information and he or she cannot be put off by a department or a minister who simply finds it inconvenient.

Finally, I shall turn to the subject of the Canadian Wheat Board. This is very, very sneaky. Under this bill, the Canadian Wheat Board falls under the Access to Information legislation. That is a guise to expose the Wheat Board to competition because the release of some of this information would give competitive advantage to international or multinational U.S. firms that would

come in here and compete and weaken the Wheat Board in a surreptitious way. Why not just have a real vote and find out what would happen to the Wheat Board. The answer, honourable senators: Because the Wheat Board will be supported by western Canadian farmers. That is why. The government is afraid of that.

Thank you very much, honourable senators, for your attention and the extra time.

• (1500)

Hon. Gerry St. Germain: The honourable senator from Alberta is very young, and I cannot believe that he is losing his memory. He talks about why we are going through the process of accountability in Canada. Has he forgotten? Just yesterday, I believe, was the anniversary of the Gomery report, which triggered this accountability debate.

What did Canadians say in the last election, honourable senators? They said it is time for change. I agree with Canadians. I cannot believe that any honourable senator would stand in this place and question why we require the proposed federal accountability act as it is. Maybe there are reasons for questioning this bill and maybe there is good reason for some amendments; however, for the honourable senator to stand there and accuse the other side, while we stood and watched the entire scandal that unfolded just prior to the last election, is totally unbelievable. How can he stand here, as an honourable member of this place, and fail to mention that part of Canadian history, and the darkest part of Canadian history, as far as I am concerned, which was attributed totally to the Liberal Party?

Senator Mitchell: First, if they were responding to the Gomery inquiry, why is it that Justice Gomery himself has said that there is not a single feature of this piece of legislation that accommodates his recommendations? Is that not an irony?

Second, yes, the Canadian people exercised accountability. They held us accountable. What this government forgets is that electoral accountability is an important feature of our democratic process.

Canadians are not stuck in the past. I do not know how many times I have to listen to these people who should be standing up and proudly saying: We have this idea to fix this problem or that problem. Instead, they dwell on the past and tell us what we did wrong, without offering any solutions to do it better.

Third — and this is worth listening to — the Prime Minister stood in front of public servants and said: It was not your fault. Of course, the Liberals are not there any more, so we do not have to be censured by this kind of thing. Who is left? The government is left, and clearly they do not trust themselves.

Some Hon. Senators: Hear, hear!

On motion of Senator Fraser, debate adjourned.

THE SENATE

INTRODUCTION OF NEW PAGES

The Hon. the Speaker: Honourable senators, I would like to introduce three new pages who will be working with us this year.

[Translation]

First, Stéphane von Rhyn, who was born in Zurich, Switzerland. After living there for two years, he and his family moved to Canada. He was a very active child and played many sports, as well as playing the piano for a number of years. He is a second-year business student, specializing in accounting, and says he is very honoured to have been selected to serve the Senate of Canada.

[English]

Second, Colleen Leminski was born in New Westminster, British Columbia, and raised in Nepean, Ontario. In June 2006, Colleen participated in the Canada-Washington Parliamentary Internship Program and travelled to Washington, D.C., to work with a senator on Capitol Hill. Colleen is currently in her fourth year at the University of Ottawa, studying psychology.

Finally, Valerie Tso was born and raised in Toronto, Ontario. Valerie spent her formative years cultivating interest in vocal music and the French language. In the Toronto-wide OMLTA French contest in 2005, Valerie placed second overall and won first place in written composition. Valerie is currently in her second year at the University of Ottawa, studying psychology.

Also, honourable senators, I am pleased to introduce one House of Commons page who has been participating in the page exchange this past week. Tessa Button, of Surrey, British Columbia, is enrolled in the Faculty of Arts at the University of Ottawa, majoring in English.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-220, to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Lowell Murray: Honourable senators, I was seconder of the motion yesterday on the second reading of Bill S-220. As was pointed out, it is a bill that is now here for the sixth time. The urgency and timeliness of the matter will, I think, be obvious. May I ask whether there is a timeline in terms of its referral to committee? Yesterday I heard the Liberal senator, Senator Munson, indicate that he would reserve his comments until third reading, and I wondered whether the act of second reading and referral to committee will be very long delayed.

Hon. Gerald J. Comeau (Deputy Leader of the Government): No, it will certainly not be a long delay. We have a process by which internally we on this side look at when private members' bills are placed before us. We try to get an indication from ministers as to their thinking on it, and then we request one of our members to speak on the bill.

There is a process that we go through, and it is a due process. We do not delay bills unduly. Yes, this bill has been before previous Parliaments. That does not mean that this new

Parliament will automatically accept every bill that was before the previous Parliament. Each Parliament must approach these bills in its own fashion, and this Parliament should not be any different from previous ones.

Senator Murray: In terms of having one of the government supporters speak to this bill, one of the members of my honourable friend's caucus, I simply wanted to remind the deputy leader that the bill was sponsored by Senator Carney. I want to confirm that he still regards her as one of his colleagues.

Senator Comeau: We treat our colleagues with the best of indifference as a leadership should, for both sides, including some of our former members who used to be supportive. The future leader of the Liberal side notwithstanding, we give best consideration to all private members' bills, as we should. I think Senator Murray knows that I am from a region that has a great deal of interest in lighthouses. One of the most famous is close to my home in Yarmouth, Cape Forchu lighthouse, with which I have a lot of attachment. I live within a short distance of a number of lighthouses, and some that we have lost over time that are still there. I attach a lot of importance to this bill, as do people on the West Coast, the East Coast and, I am sure, people who do not live on the coasts.

• (1510)

Senator Murray: I will close by saying that my favourite lighthouse in northern Cape Breton ended up on St. Laurent Boulevard here, at the Canada Science and Technology Museum. I hope the honourable senator's lighthouse is spared the same fate, which it will be if we pass this bill.

Hon. Jack Austin: Regarding Bill S-220, might I ask the leader whether it is the position of the government is to support that bill.

Senator Comeau: Once it goes through the Senate, and once we send it eventually to committee, we will try to get an indication about whether the current government accepts this current bill. We will find out at that point. This is the process that we go through.

Senator Austin: Honourable senators, it would be of great assistance to this chamber and to those interested in lighthouses to know that the government supports the bill at least in principle so that we can apply ourselves to the task.

Senator Comeau: This kind of question eventually can be discussed at the committee; that is, whether the current minister accepts the principle of the bill. We are going through the process and we do not rush through bills quickly because —

Senator Mercer: Oh, we can take time?

Senator Comeau: Would Senator Mercer like to answer the question or would he like to hear what I have to say?

This bill will be treated with the due respect it deserves, as I indicated to Senator Murray a few minutes ago. I think it has great potential.

[Senator Comeau]

Senator Austin: I wanted to confirm, honourable senators, that, in accord with Senator Murray's comments, it is not only her former colleagues on that side or her present colleagues on the opposition side but even senators from British Columbia on this side who are aware of the impatience that Senator Carney can bring to any issue.

Senator Comeau: Senator Austin, I think, has indicated a reality of which a lot of people in this chamber are aware.

The Hon. the Speaker: Is it the agreement of the house that the matter stands adjourned in the name of Senator Comeau?

Hon. Senators: Agreed.

On motion of Senator Comeau, debate adjourned.

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill S-207, An Act to amend the Criminal Code (protection of children).—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, the protection of children is a matter of utmost importance to all Canadians, which is why we must debate this bill in detail. I therefore move adjournment of the debate.

On motion of Senator Comeau, debate adjourned.

DRINKING WATER SOURCES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-208, An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future. —(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, protecting Canada's watersheds that will constitute sources of drinking water for future generations is very important to all Canadians. That is why this bill warrants a thorough debate and should receive our full attention. I therefore move adjournment of the debate.

On motion of Senator Comeau, debate adjourned.

[English]

NATIONAL PHILANTHROPY DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-204, respecting a National Philanthropy Day.—(*Honourable Senator Prud'homme, P.C.*)

Hon. Terry M. Mercer: Honourable senators, as chair of a charitable foundation and someone who has been active in that field all my life, I believe this bill is a worthwhile endeavour. I was planning to speak to this bill after Senator Prud'homme. I notice that the item is to fall off the Order Paper tomorrow, so I would like to adjourn and reserve my time for next week when I intend to speak to the bill.

On motion of Senator Mercer, debate adjourned.

[Translation]

STATE IMMUNITY ACT—CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Meighen, for the second reading of Bill S-218, An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism).—(*Honourable Senator Meighen*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I rise today to speak about Bill S-218 introduced by Senator Tkachuk in June.

I would first like to thank our colleague for all the work he has done to bring his bill to the attention of the Senate and express his conviction that this legislation is absolutely necessary.

This is not the first time Senator Tkachuk is introducing such a bill. In spring 2005, he introduced Bill S-35 which, despite the differences between it and Bill S-218, had practically the same objective: defend victims' rights and provide them with a civil remedy against persons who engage in terrorist activity.

His efforts are starting to pay off, and he constantly reminds us of the benefits of this legislative measure. Two similar bills are currently on the Order Paper in the other place: one in the name of Liberal member, Susan Caddis, and the other in the name of Conservative member, Nina Grewal.

The Standing Senate Committee on Banking, Trade and Commerce published an interim report on October 3 with recommendations for eliminating the loopholes that allow money laundering to occur and whose application could

contribute to limiting the funds terrorists can draw from to finance their activities.

All parliamentarians are unanimous in recognizing the importance of adopting measures to dry up the sources of funding used by terrorists and to help victims of terrorism. I hope this consensus will translate into legislative solutions that will benefit Canadians.

In his speech in the Senate on June 22, Senator Tkachuk provided the original context for introducing these bills. He explained it quite well, quoting David Hayer, a member of the B.C. Legislative Assembly, who said terrorism is all pervasive and touches us all in varying degrees.

Senator Tkachuk also pointed out that, in February 2002, Canada ratified the International Convention for the Suppression of the Financing of Terrorism, through UN Security Council resolution 1373. As the senator said:

...Article 2 of the convention obligates Canada, as a signatory, to take the necessary measures against any person that, by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with an intention that they should be used or in the knowledge that they are to be used in full or in part in order to carry out offences under the convention.

The reality is quite simple: we cannot escape terrorism. We are obliged to do everything in our power to dry up the funds used by terrorists to finance their activities.

I will digress for a moment just to give you an idea of the significant amounts of money used by terrorists.

• (1520)

Between 2004 and 2005, the Financial Transactions and Reports Analysis Centre of Canada, or FINTRAC, traced some \$180 million in transactions that were potentially related to terrorist activities.

The purpose of this legislative measure is to ensure that these monies, rather than serving terrorists, benefit the victims of terrorist activities. The bill essentially proposes two amendments to that end. First, it amends the State Immunity Act, adopted in 1982, to prevent foreign states that engage in terrorist activity from claiming immunity from the jurisdiction of Canadian courts. This is a radical departure from the current wording of the legislation, whereby proceedings may be brought against foreign states only for breach of a commercial contract. They enjoy immunity in matters of civil responsibility.

There is nothing really new about the amendment proposed in Bill S-218. The U.S. Terrorism Risk Insurance Act, for example, provides for the establishment of a system of shared public and private compensation for insured losses resulting from acts of terrorism. There have been cases where Americans have instituted proceedings against a state because of terrorist activities.

As Senator Tkachuk said:

When the Canadian government became aware of the damages that Canadians face through the breach of commercial contracts, it ensured that the State Immunity Act did not include absolute immunity with regard to

commercial activities. The same must be done to combat the state-sponsored terrorism that exists today to prevent foreign states that engage in terrorist activity from claiming immunity from the jurisdiction of the Canadian courts.

The debate on this bill will be useful because it will help us gain a better understanding of the extent to which Canadians are harmed by state-sponsored terrorism. By amending this legislation, we can put an end to these activities.

Bill S-218 amends the Criminal Code to provide victims who suffer loss or damage as a result of terrorist activity contrary to that act with a civil remedy against the person who engaged in the terrorist activity.

There are precedents for this in other jurisdictions. For example, British Columbia, Ontario, Manitoba and Alberta have introduced legislative measures giving their governments the right to seize the proceeds of criminal activities. British Columbia is seeking to authorize the conversion of these assets into a fund to compensate victims of crime.

According to our Criminal Code, courts can order an offender to compensate a victim. Section 737 of the Code also authorizes the court to impose a "victim surcharge" in addition to any other punishment imposed. The surcharge is deposited into a fund, as determined by each province or territory, to provide assistance to victims of crime.

Bill S-218 will apply "retroactively". It will not change the legal consequences of a past case, but it will change the future legal consequences of that case. This means it will be possible for victims of terrorist acts, such as September 11, 2001, to initiate legal proceedings.

I would emphasize that this bill is in line with the government's commitment to reduce crime and support victims of crime. Bill S-218 deserves more thorough consideration. It is difficult to disagree with its underlying principles, which are that we must help victims of terrorism and stop those who commit these odious crimes.

I urge honourable senators to send Bill S-218 to committee, without delay, for further study. We want justice to be served. We want to do everything in our power to put a stop to terrorist activities. We want to fulfil our obligation under the International Convention for the Suppression of the Financing of Terrorism.

Bill S-218 gives us a tool with which to protect Canadians and fulfil our obligations. We must act immediately. We owe it to Canadians. For these reasons, I strongly support Senator Tkachuk's bill.

Hon. Michael A. Meighen: Honourable senators, I would first like to congratulate Senator Comeau on his speech. I have very little left to add, apart from expressing my support for Bill S-218.

[English]

Indeed, during the last session I supported a similar bill, Bill S-35, which unfortunately did not see the light of day and died on the Order Paper.

[Senator Comeau]

I last spoke on the issue a mere two weeks after the July 7, 2005, terrorist attacks in London. We were reminded once again of the constant threat of terrorism that our society faces on September 16 of this year when a Canadian lost his life in Thailand. Separatists had detonated bombs outside two shopping malls, a hotel, a pub and a cinema, taking the lives of innocent civilians. These types of attacks continue to threaten Canadians and like-minded nations in this new era of global terrorism.

[Translation]

Honourable senators, when such an incident occurs, it is more than the direct victims who suffer. Anytime Canadians are the victim of terrorist activities, their family and friends, and Canada as a whole, all suffer with them.

The family and friends of the 154 Canadians killed in the Air India blast, and all Canadians from coast to coast to coast, continue to mourn their loss. And everyone who knew them will never forget those Canadians who lost their lives on September 11, 2001.

[English]

Canadians need the necessary means to bring those responsible for supporting terrorism to justice. Under the State Immunity Act, victims of terrorism and their survivors now lack the necessary means to hold foreign states accountable for supporting the killing of innocent Canadians. Currently, under the State Immunity Act, Canadians can hold to account foreign states that breach commercial contracts. This provision was not always the case. However, the State Immunity Act was amended and modernized to provide the tools necessary to deal with the breaches of contract. As I have stated before, it is time for the State Immunity Act to evolve once again in order to deal with the ever-growing threat of terrorism to our citizens.

Canadians should and must have the right to hold accountable those foreign states that sponsor terrorist activity. No longer should states be immune from the consequences of harbouring or permitting terrorist groups to train on their soil.

Bill S-218 will send a message to the entire international community that Canada is a country that does not stand for state-sponsored terrorism.

Bill S-218 improves upon the former Bill S-35. I support these small, yet significant, changes. For instance, the limitation period with respect to a terrorist attack will not begin to run until after a victim is capable of commencing a proceeding. Factors such as physical, mental or, indeed, psychological injuries, or being unaware of the identity of those responsible, would therefore not impede justice.

Judgments by a foreign court in favour of a person who has suffered from terrorist activity prohibited under the Criminal Code would be given full force and credit. These changes make Bill S-218 an even more powerful tool for those who seek justice.

Honourable senators, we are fighting a new kind of battle and Canadians require the necessary tools to hold those responsible for supporting terrorism accountable. In the present context, our nation's laws stand in the way of justice being done.

• (1530)

[Translation]

I encourage all honourable senators to support Bill S-218. Canada must send an unequivocal message to the world that we will not tolerate actions by foreign states that support terrorism. Bill S-218 sends that message loud and clear, and I ask you to support it.

[English]

The Hon. the Speaker: I advise the house that if Senator Tkachuk speaks now it will have the effect of closing the debate.

Hon. David Tkachuk: Honourable senators, I would like to thank Senator Grafstein and colleagues on the other side as well as colleagues on this side who have given support to this bill. I also thank Senator Meighen and Senator Comeau on this side for speaking on Bill S-218.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Tkachuk, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE ON MOTION TO AMEND—DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Special Senate Committee on Senate Reform (motion to amend the Constitution of Canada (western regional representation in the Senate), without amendment but with observations), presented in the Senate on October 26, 2006.—(*Honourable Senator Hays*)

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I move the adoption of this report.

[Translation]

Honourable senators, today we are examining the second report of the Special Senate Committee on Senate Reform, which deals with the Murray-Austin motion proposing to increase Western regional representation in the Senate.

[English]

Honourable senators, although you are familiar with the Murray-Austin motion, at least I assume you are, our report having been on the Order Paper for a few days, I will explain for the record what provisions of the Constitution it addresses and my understanding of how the motion will proceed if adopted by the Senate.

Section 38(1) of the Constitution Act, 1982, provides the general amending formula for our Constitution. This section requires that the legislatures of at least two-thirds, or seven of the provinces, representing 50 per cent of the population, as well as the Senate and the House of Commons, pass resolutions authorizing amendments such as the one proposed by the Murray-Austin motion.

Furthermore, section 42 of the Constitution stipulates that an amendment to the Constitution in relation to the number of members by which a province is entitled to be represented in the Senate can only be made in accordance with section 38(1). Should this motion be adopted by the Senate, the next step, as Senator Murray noted on June 27, will be to refer it to the other legislatures, which is to say the House of Commons and the provincial assemblies who would have three years to consider it as stipulated by section 38(1) of the Constitution.

Moreover, as Senator Murray underlined in his speech, provisions of what was Bill C-110 and is now the 1996 federal Constitutional Amendments Act on regional vetoes would not apply since the amendment is not proposed by a minister of the Crown.

Senator Murray and Senator Austin introduced their motion because they believe there is an imbalance in regional representation in the Senate that should be addressed and they propose a constitutional amendment that would create British Columbia as a fifth region and increase the number of western senators. Accordingly, if the resolution passes through all the required stages, British Columbia will have 12 senators from six, Alberta will have 10 from six, and Saskatchewan and Manitoba will each have seven from their current six.

I believe the intention behind the Murray-Austin motion to be in keeping with several precedents in our history. Indeed, since 1867 several changes have been made to the number and distribution of Senate seats. As we said in our report, most of these changes increased the size of the Senate as new provinces were added to the federation, starting with two senators for Manitoba in 1870, three senators for British Columbia in 1871 and four senators for Prince Edward Island in 1873. In 1887 the territory then known as the Northwest Territories was given two seats in the Senate. In 1905 the newly created provinces of Alberta and Saskatchewan were given four seats each.

Moreover, the addition of new provinces prompted an increase in the number of Senate seats assigned to some existing provinces while producing a reduction for others. The most important change, however, occurred in 1915, with the creation of a fourth division known as the west.

Other changes include the six Senate seats assigned to Newfoundland and Labrador upon its entry into our federation in 1949, along with the addition of two seats to the Northwest Territories and Yukon in 1975, and one seat for the newly created territory of Nunavut in 1999.

Although several changes have occurred in the number of Senate seats since 1867, this institution, as Senator Murray noted on June 27, has not evolved in more than 90 years with regard to western representation. Given the important economic expansion

and population increases in the west over the last several decades, it certainly seems that the issue of under-representation needs to be addressed sooner rather than later.

[Translation]

Honourable senators, although the members of our committee were not unanimous, most support the Murray-Austin motion.

As our report indicates, the members of this committee urge senators from all regions of Canada to support the motion, in order to give the government and the legislative assemblies a starting point for providing the Western provinces with more equitable representation in the Senate.

[English]

Besides addressing western representation our committee also dealt with the issues of whether the motion went far enough, whether the distribution of Senate seats was a serious cause of alienation and whether the proposed new distribution would dilute representation of other regions of the country. None of the concerns raised caused the committee to change its support for the motion, although it did generate lively discussion.

To comment in passing, we are familiar with a number of modern proposals on the distribution of Senate seats. The Triple-E movement that is basically an Alberta movement for an equal, effective and elected Senate strongly recommends a Senate that has equal numbers from each province. In fact, the Charlottetown accord provided for equal numbers from each province but did not pass the test of a referendum.

We in the committee heard interesting discussion of another proposal under discussion. It was discussed primarily by Professor Resnick of the University of British Columbia. It would involve a model different from Triple-E or from the four or five regions proposed in the Murray-Austin motion. It is a model somewhat like the German Bundesrat where the provinces would be divided into the categories of large, medium and small and would be allocated, as they are in Germany with respect to the Länder, a certain number of seats according to their population. This model is very interesting and important, and hopefully this will become part of our longer-term discussion on this issue.

• (1540)

I have also noted that since the reallocation of Senate seats 90 years ago, we now have remarkable under-representation in the Senate from the West. It is interesting to look at that in the context of representation by population and, in particular, the effect of the constitutional guarantee of seats in the House no less than seats in the Senate and the Representation Act, 1985, which guarantees no fewer seats for a province than it held in 1976.

Honourable senators, if the Murray-Austin motion is adopted and then submitted to the federal and provincial assemblies, it would officially launch the amendment ratification process established by our Constitution which, as I mentioned earlier, has provision for a three-year deadline, along with the accompanying controversy and issues to which such a matter would give rise.

[Senator Hays]

However, aside from the motion's precise wording, an opportunity would also arise for a full and open discussion that would not be constrained by external deadlines. Some of the witnesses who testified before the committee suggested that exploratory discussions take place to sound out the opinion of Canadians and determine whether a consensus could be established on the broader issue of Senate reform. Members of the committee were optimistic and felt the time was right for such discussions, believing that the Murray-Austin motion's proposal to increase Western representation offers an excellent starting point.

In support of that, Alberta's Minister of Intergovernmental Affairs, Gary Marr, demonstrated a degree of openness and optimism in this regard when he appeared before our committee. He said:

...on previous occasions, when attempts were made to reform the Senate, we came close, and compromise was made by all provinces. This situation, in the right circumstances, may be the case again at some point in the future.

Time will tell whether this is that point. In any event, that is the spirit behind the Murray-Austin motion and one which I applaud.

[Translation]

Honourable senators, the under-representation of the West in the Senate is a matter that must be dealt with seriously. As indicated in our report, the need to increase the proportion of seats attributed to the western provinces is a recurring theme in most of the main proposals for Senate reform brought forward over the past 40 years.

All the serious proposals since 1984 have had the goal of substantially increasing Senate representation of the West.

[English]

That concludes my remarks. I would be pleased to answer any questions.

Hon. David Tkachuk: I thank Senator Hays for that speech. On the question of the number of senators for each region, it is my understanding that prior to Confederation, when it was thought that Prince Edward Island would be part of the federation, an agreement made for the Maritimes to have 24 senators. Therefore, in 1871, when Prince Edward Island joined the federation, they knew how many senators they would have.

At that time, the three Maritime provinces were recognized as a region and a fundamental decision was made to give equality to regions by giving them each an equal number of senators. There were 24 from Quebec, 24 from Ontario and 24 from the Maritimes.

Senator Hays: That is my understanding as well, honourable senators. Senator Tkachuk's example of Nova Scotia, New Brunswick and Prince Edward Island is an interesting one in that I believe it is the only example of provinces giving up seats that were allocated to them to accommodate another province. Prince Edward Island received two from each of Nova Scotia and New Brunswick. It is my understanding that that has happened at

no other time in our history. The willingness of the statesmen in Charlottetown to make that kind of accommodation is a remarkable example of the spirit of that time.

I am not sure whether that region was called the Maritimes when it consisted of only Nova Scotia and New Brunswick and became the Atlantic region when Prince Edward Island came into the federation or whether the three provinces were called the Maritimes and the region became the Atlantic region when Newfoundland joined. In any event, it is known to me now as the Atlantic region, which is a simpler way of categorizing it post-1949.

Senator Tkachuk: I stand to be corrected, but I thought there was an agreement for 24 senators, that P.E.I. did not become part of Confederation, and that it just regained the senators it had lost in 1871 that were given to the two other provinces. Perhaps Senator Murray, who has been in the Maritimes a long time, could help us poor westerners through that.

Senator Oliver: He is an Ontario senator.

Senator Tkachuk: However, he spends a lot of time in Nova Scotia. That is his real love.

British Columbia will be recognized as one of five regions by virtue of being given a veto. Some of the discussion in the West about proper representation and equality has been about our lack of senators, considering our wide expanse and the fact that B.C. is recognized as a region in the Constitution.

Does the honourable senator support giving B.C. and the Prairies each 24 seats, therefore creating a regional balance that I believe would make most Canadians feel very positive about the direction in which the Senate is going?

Senator Hays: Senator Murray has commented in a helpful way, and I agree with him. The proposal would bring the Prairie region up to 24 — 10, seven and seven — with B.C. having 12 seats. It reflects the situation that occurred in the 1870s when the provinces of British Columbia and Manitoba originally joined the federation and did not receive six seats. They did not have six seats until 1915.

Throughout our history we have seen the allocation of Senate seats to provinces evolve until 1915 when the West was given 24 seats. The Murray-Austin motion is an invitation to revisit that situation almost 100 years later, but allocating 12 seats to B.C. rather than 24.

Currently, the province of British Columbia has one senator for every 715,000 people, compared to Alberta which has one senator per 500,000 people. Today, there is one senator for every 526,000 citizens in Ontario, one senator for every 555,000 citizens of Alberta, and one senator for every 750,000 British Columbians.

• (1550)

If Murray-Austin were implemented, it would smooth that out, perhaps not by looking at those statistics but by sensing that, if they went to 24, that would be quite distorted, that 12 is the number arrived at.

Senator Tkachuk: There should not be 24 in the picture, and I certainly do not buy the message that senators should be allotted on the basis of population. Senators should be allotted on the basis of lack of population. That was the whole idea. Alberta is getting many more members in the House of Commons because its population is growing. At the same time, it is getting more senators. Saskatchewan and Manitoba, having a million people, are getting only one more. I would buy three times eight for 24 on the basis of equality and, certainly, on the basis that B.C. should have 24. However, with respect to the idea of allotting senators by population, perhaps Ontario should have 100, certainly, as compared to Prince Edward Island. That is exactly where we are going with this formula where senators will be chosen on the basis of population rather than on the equal regions being given an equal number of senators, which was the original intent in 1867, and this thing is taking it out of whack.

Senator Hays: That is a very good point of discussion.

Senator Tkachuk: It is!

Senator Hays: Honourable senators will recall that Senator Adams said that, based on territory, Nunavut should have three senators. I am not sure whether we would go there. In any event, if the number is based on land mass, then that would make some sense.

If we use historical numbers, we have the suggestion to make some changes that would be much appreciated in the West and would make sense to me at the present time, even on a stand-alone basis.

However, it is a combination of things: area, the economy and the passage of time since an adjustment was made. Of course, Bill C-110, the regional veto act, which is quoted at length in our materials that were distributed by the Library of Parliament, makes the case for B.C. being a region. Having made that case, Senator Murray and Senator Austin have come up with, as we did in the 1870s and later in 1915, a very practical suggestion. I am sure it takes into consideration, to some degree, population. I do not think there is any hard and fast rule on population.

With regard to the House of Commons, there is not true representation by population there, either. I would not interfere with that in any way. However, we do not look at that strictly in terms of population. We recognize the historic right of some provinces to more seats than they would be entitled to by just dividing the number of seats in the House of Commons by the population. Murray-Austin does not interfere with that, which is probably a good idea.

Hon. Lowell Murray: Honourable senators, the only way I can do what I want to do and remain within the rules is to ask whether Senator Hays would mind reminding Senator Tkachuk of a couple of matters. I cannot ask Senator Tkachuk a question.

It is the point that Senator Hays has just made, with regard to representation by population in the House of Commons, which is certainly modified rep by pop. Senator Tkachuk mentioned Alberta, and it is supposedly growing and, I am sure, will be growing representation in the House of Commons. However, because it is modified rep by pop over there, Alberta, British Columbia and Ontario are the only three provinces that are not overrepresented in the House of Commons.

With regard to the question of whether it should be 12 or 24 senators from British Columbia, I would defer to Senator Austin on the matter. We came to the conclusion that the formula we came up with was more likely to attract the necessary support. However, if Senator Hays would remind Senator Tkachuk that if another and better consensus emerges, Senator Austin and I will be quick to clamber aboard the band wagon.

Senator Hays: Senator Murray can take it as said.

The honourable senator raised the issue of the House seats. Using the current population, if one were divide Canada's population by 308 seats, there would be 105,000 per seat. As Senator Murray said, British Columbia, Alberta and Ontario are underrepresented by that measure, where each of them has an average number of 119,000 per riding, compared to what it would be if we had true rep by pop throughout the country of 105,000. Saskatchewan has 70,000 per seat.

Perhaps it has been the genius of Canada, or I am not sure what. It reflects what we do in so many ways. We do not follow a precise, rigid rule. We tend to have flexibility, and it has served us well. The Murray-Austin motion demonstrates that kind of flexibility.

Senator Tkachuk: I do not argue with the fact that there should be more senators. What I argue with is that there is a principle behind how many senators each region should have. If Western Canada is a region, then it should have 24. However, if we say that B.C. should have 12, Alberta should have 10 and Saskatchewan and Manitoba should have seven each, as soon as that can of worms is open, we are treating people differently. I am not interested in the West receiving the crumbs given by somebody as if they are giving the Prairies and B.C. something. They are not giving anybody anything. We either have a principle that we follow, and if B.C. is recognized as a region, then it should get 24. If the Prairies are recognized as a region, they should get 24, and they should be equally divided between the three prairie provinces. That is my argument, and it is a strong argument to make. Senator Murray would find a lot of consensus for that argument in this place. I do not think anybody in Eastern Canada, Ontario or Quebec wants to deny equal representation amongst all five regions in Canada, which would go a long way to keeping the country together.

Senator Hays: The argument of the honourable senator is an example of why it can be difficult to reach agreement on these matters. That is probably why we have now focused not on divisions but rather on provinces as the base. Professor Resnick's comments were helpful in support of that, and, of course, the strongest movement we have had in modern times on Senate reform is the one that the honourable senator alluded to, the Triple-E movement, which is the same for each province. It was achieved in the Charlottetown Accord, but at a very high price, by increasing the number of House seats in each of Ontario and Quebec by the number of Senate seats that they would lose, if I am not mistaken.

I would not trade a Senate seat for a House seat today. However, you can do these things. They are hard, but too much rigidity can make it difficult to reach agreement. I appreciate the motion of Senator Murray and Senator Austin recognizing the Canadian tradition of flexibility.

[Senator Murray]

• (1600)

Hon. Terry M. Mercer: I have a question for Senator Hays. I am concerned that any time we talk about Senate reform and changing how this place is configured, we get into the discussion of representation by population. That is not what this place is about. Senator Tkachuk and I do agree it is about regions. If British Columbia is to be a region then I look forward to the day of having 18 more Senator Campbells in this place. That ought to end the debate on that.

I am concerned that the fundamental principle, from my point of view, is the Maritimes. There are two definitions of people from east of Quebec. There are Maritimers such as those of us from the great province of Nova Scotia, from New Brunswick and from Prince Edward Island. Then there is another province further east called Newfoundland. When you put the four of us together, we are Atlantic Provinces and Atlantic Canadians with 30 senators.

However, when we came into Confederation, the original provinces, Ontario, Quebec, Nova Scotia and New Brunswick, were a region, as defined at the beginning. I love the topic of Senate reform because listening to the public, they condemn Mr. Martin, Mr. Chrétien, Mr. Trudeau, Mr. Pearson, Mr. Mulroney and everyone else for the inequity of this place, but no one talks about good old Sir John A. It was not his fault either. He did not know that regions would evolve. He did not know there was oil in Alberta. He did not know we would have a Pacific gateway to the Far East or that the Okanagan would develop the way it did.

My question is: How do you protect the region of the Maritimes? This question is also important to Quebec. We see these 24 seats as giving us an equal status in the Senate and this is the only place we will be equal. We will never, ever be equal in the House of Commons in numbers because our population will never grow that large, certainly not in the foreseeable future. How do you maintain our strength and importance in this place when you talk about population, expanding regions and perhaps making another province a single region? How do we maintain the balance for the Maritimes?

Senator Hays: It depends on what you mean by balance. Many of these models for Senate reform, none that we have spent any time on, involve a major reallocation of seats that would interfere with constitutional guarantees with house seats no fewer than Senate seats and so on. We should protect the Maritime region, the Atlantic region.

However, we cannot have change and no change at the same time. We have had a long period of no change and I think we need to be prepared to change and to make adjustments. The Murray-Austin motion gives us strength. We have had 100 years without change, but at some point there will be change; it will become more and more of an issue. It is not a huge issue now, which is why it is a great time to have it under discussion.

I am in favour of full and fair protection for the historic rights of the Maritime and Atlantic region, but at the same time if it means that we simply never change the Senate or the number of seats in the Senate, I think over time that would be a dangerous approach.

Senator Mercer: My final question.

The Hon. the Speaker: I wonder whether Senator Mercer would let me make a procedural observation for the house.

I think it is important that all honourable senators are focused on the fact that the motion that is before us is to adopt the second report of the special committee. The effect of adopting that would be like adopting the report of another committee that is seized with a bill. If that report comes in from another committee with no amendments we adopt that, and it means the bill has been adopted at report stage.

However, with a bill, there is one more step and that is third reading of the bill. In this instance, my understanding of the procedure is that if the report was to be adopted it would be to adopt the resolution. There is no third reading phase. I wanted all honourable senators to be fully aware of that.

Senator Oliver: All they are looking at was the subject matter.

Senator Mercer: The comments of the speaker tie in with my final comment to Senator Hays. Are you happy with the piecemeal way that we are going about Senate reform? We are talking about the Austin-Murray motion, about limiting terms of senators to eight years or however it will end up when we finish with that bill and we have heard from the Prime Minister publicly musing about some form of election process, formal or informal, in the provinces to select replacements for the vacant seats in this place.

Are you happy that we are approaching Senate reform piecemeal? Does it not make more sense to say that we all accept the need for changes to Western Canada, maybe we do need term limits on senators' terms and yes, maybe we do want to talk about elections. Perhaps, then we want to talk about our responsibilities as representatives of regions, and yes, maybe we want to talk about the fact that if we are elected and we are effective and maybe equal, then what other powers do we have that we presently do not have. How are the powers that rest in the national Parliament distributed so that this place has a different power, or do we get some powers from the provinces?

I was content that the council of first ministers evolved and has taken some of the powers. How do you feel about this piecemeal approach? To me it seems silly. I think it is political from the point of view of the current government, and I think we are better off standing back and attempting to do the whole package right. We will talk about an elected Senate; we will talk about an equal Senate; and we will talk about an effective Senate. We will make sure we cover all the bases, then come back to this place with a proposal that covers all of this package, not just fixing a problem in British Columbia, in the Prairies and with term limits.

Senator Hays: I am almost happy, if I can put it that way, because it is an opportunity to talk about the enormous challenge we face in institutional reform in Canada. I think that we do not talk about it enough in a dispassionate way. We often wait until there is a grievance. The 1982 Constitution Act gave rise to a grievance in Quebec and also attracted a grievance in Western Canada which was the heart of the Triple-E movement.

I agree with you the reform of the Senate is a major project and once you get into it you become drawn into all elements of it. I do not think what Senator Murray and Senator Austin propose does that. I think that the matter is a stand-alone one that could be taken under consideration and would address, before it becomes a huge issue, the under-representation in the Senate of the Western provinces.

• (1610)

When the Minister of Intergovernmental Affairs for Ontario was here, she said do not do anything — a little bit like the honourable senator's comment — and if you do anything, give us more seats. She said, "We want rep by pop in the Senate. We have 30-some odd per cent of the population and 22 per cent of the Senate seats; we want to have 30 per cent of the Senate seats." I suspect that that is a negotiating position more than a real final position.

Anyway, I think it is good we are talking about it in a context where there is not a huge amount at stake. Whether it succeeds or not will not be a big issue, but it does introduce the subject and, hopefully, takes us along the way to something that is much needed, that is, understanding and appreciating that things are unlikely to remain the same. The protections we built in the 1870s and the early 1900s are important, but now, in the 21st century, it is an appropriate time to look at them and see if there are some adjustments that would head off problems down the line.

Senator Oliver mentioned that it was a subject-matter study, when the Speaker explained what was happening here — that the study of Bill S-4 was a subject-matter study; it is not. This was a reference to the committee of the resolution moved by Senator Murray and seconded by Senator Austin to increase seats and create a new division.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, the last part of Senator Hays' reply is of interest to me. I agree that the historical evolution of Canada requires that the way we look at our institutions must evolve as well.

That being said, I would like to remind you that proportionality between Quebec and Ontario changed during the time of the union. Although Quebec had the plurality, during that entire period Ontario rejected a central government for reasons that are obvious to us but were also obvious to the Quebecers who were negotiating. This gave rise to the compromise of a Parliament with a first chamber having proportional representation and a second chamber where Ontario and Quebec would be equal.

Given the last part of your answer, do you believe that we must distance ourselves from the nature of this compromise in order to evolve or — and I add my voice to that of my colleagues from Atlantic Canada — must we re-examine this compromise to draw maximum benefit from it without losing sight of its importance, given that it resulted in the birth of Canada?

[English]

Senator Hays: Compromises are important. We need to make compromises, and we have, and they should be respected.

The Representation Act, 1985 is an important one for Quebec. It came in when a new Conservative government was formed after 1984. As I said earlier, it guaranteed provinces no fewer seats than they had in 1976, which was based on the 1971 census.

Quebec has, as I understand it, 75 seats. Had there not been that compromise, Quebec would have 65 seats — and that was important to Quebec. It addressed a concern at the time and represented an important compromise at that moment.

There will be the need to make compromises in the future. In this particular case, it is not as pressing; but it is, in the case of Murray-Austin, a moment for reflection on what is happening in the provinces of British Columbia and Alberta, in particular. There is some advisability of looking at it on a proactive basis.

Is it a compromise? Of course, it would be a compromise, as well, because it would reduce Quebec's percentage of seats in the Senate — but not by a lot. I think part of the reasoning of Murray-Austin, and part of the reason for 12 and not 24 for British Columbia, is that it could be done without a remarkable change in terms of the compromises of the past. I do not know whether that helps or not.

Senator Nolin: I have no problem with compromise. Where I have at least a question mark is about great compromise. It is known as “the great compromise” that gave birth to Canada.

That is why — if we look into the rebalancing, because that is exactly what the report is proposing — it raises a question for Atlantic Canada. The honourable senator just mentioned the reaction from Ontario, as well. I can assume what the reaction was from Quebec.

We cannot isolate proportionality and say that we are going to solve that, and after that, rejig all the powers and the structure of the institution.

My mind is not fixed on whether we should only go that way, and fix the rest afterwards, or whether we should fix everything at the same time. That is why I had a question. History is there to help us try to understand where we are trying to go. That is why, for me, the great compromise was the beginning of everything. I do not think we can separate ourselves from trying to understand why French Canadians, not only in Quebec but also outside the Province of Quebec, fought for that great compromise. Therefore, I do not think we can forget that — but I can be convinced otherwise.

Senator Hays: I will just agree with you. I do not think we should forget that compromise. We should respect it and continue on in the spirit of that compromise.

The country has changed and requires us to rethink some of those things that were well settled at that time with a group of enlightened leaders who were prepared to recognize competing interests and finding ways of respecting them. At the same time, there must be a will to support the federation and to make it successful. The great tribute to what they did is the success of this country today — but it is not static.

[Senator Hays]

There come periods in our history when we must go back and seek the same enlightenment, the same kind of spirit to re-examine and readjust. We will, at some point, reach that again. I think Senators Murray and Austin's motion is kind of a harbinger of that or a way of being proactive.

[Translation]

Hon. Pierrette Ringuette: Honourable senators, I must admit that I have started to read the committee's document and I have some serious questions on a number of items.

First, we are dealing with a motion to change the fundamental composition of this chamber when, last May, I put forward a motion to have the Senate focus on its fundamental duties toward the regions and minorities in this country. My motion is still on the Order Paper and has not even been referred to a committee yet. Today's motion was tabled at the end of June 2006 and is already at report stage. It is a motion that calls for constitutional changes.

Something is happening in this chamber that I do not like. I cannot accept that certain motions fundamental to the current operation of this chamber are delayed, while others calling for constitutional changes are passed with great speed. That is the first change.

Second, I remember quite well my involvement in the negotiations in Charlottetown, where Senate seats were redistributed, where the Atlantic provinces gave up seats in the Senate to make sure we got a new Constitution and that Quebec was recognized, and so forth.

• (1620)

Only one Canadian province voted against the Charlottetown Accord, and that was Alberta. I remember it well. And today, this motion recommends granting them more seats.

More importantly though, such a fundamental change to our Parliament would dramatically transform the House of Commons and the Senate.

Allow me to review how representation by population has evolved in Parliament. Forty years ago, from 1953 to 1957, there were 268 members in the House of Commons. Now, 40 years later, there are 308. Forty seats have been added to the House of Commons in the past 40 years. I am quite certain that not one of those additional seats in the House of Commons represents a riding anywhere east of Montreal, and probably not even east of Ottawa.

We are talking about a parliamentary system with two houses of Parliament, but both houses of Parliament cannot be based on the same representation because that would betray our history and the solemn commitment made in the earliest days of our federation.

Currently, Manitoba, Saskatchewan, Alberta and British Columbia account for 30 per cent of the seats in the House of Commons and would account for 30.8 per cent of the seats in the Senate if the changes proposed in this motion go through, which is an increase of 0.8 per cent.

Quebec holds 24 per cent of the seats in the House of Commons. The proposed changes would reduce its seats in the Senate by 2.3 per cent to 20.5 per cent.

Ontario holds 34 per cent of the seats in the House of Commons. The proposed changes would reduce its seats in the Senate by 2.3 per cent to 20.5 per cent.

Finally, the Atlantic region, which holds 10.4 per cent of the seats in the House of Commons, would be left with 7.4 per cent of the seats in the Senate — 3 per cent fewer seats than it has now — if the proposed changes go through.

Because they currently hold 10 per cent of the seats in the House of Commons and 28 per cent of the seats in the Senate, people in the Atlantic region have difficulty making their needs known and making themselves heard by the federal government, regardless of the party in power.

In this context, how can you imagine that, with such a reduction in the number of Senate seats — and we are not likely to get an increased number of seats in the House of Commons — we could possibly assert our rights and our needs any more aptly?

We must ask ourselves fundamental questions, and I am doing just that. I ask you this question in the context of this debate and I anxiously await your response.

[English]

Senator Hays: Perhaps I will deal with a point raised by the honourable senator and her initiative in the Senate to change the orientation in the Senate so that it has greater regional representation.

Senator Ringuette: It is so senators can accomplish their jobs.

Senator Hays: If the Senate is not receiving the attention it needs, that is the fault of senators, who should, therefore, pay more attention and do something to bring the matter forward. I cannot apologize for doing the work on this. We received the reference, we did it, and it is done. Senator Ringuette says that it highlights the fact that a lot of other work in the Senate has not been done. The answer to that is to get busy and do the other work.

I understand the senator's point to be that increasing the number of seats anywhere in the country would change the percentage of seats that the Maritime region and New Brunswick would have. It would affect the region's power in the Senate. The only way not to have that problem is not to change the number of seats. Senator Nolin and others have touched on the history of our country in the report, and I touched on it in my remarks. We dealt with that problem when we brought more seats to the West when the provinces of Manitoba and British Columbia were added between 1870 and 1915. At that time, discussions were entered into, as we are doing today, to address the specific needs of a region that are not being met and how they can be better addressed.

Therefore, I do not have an answer. If we change one seat in the Senate, we will change the percentages. We need to look at the concerns and grievances of the different regions and try to address them at the same time, which is Senator Mercer's point. The

minute you get into this, you get into the larger issues. The experience of trying to do comprehensive reform has produced no change in the Senate in 140 years, and we have not had much incremental change either.

In answer to Senator Mercer's question, I said that I am almost happy. I am glad to talk about it because, like him, we have many passionate people from my region who express themselves as Senator Mercer does. The sooner we recognize that passion, direct it positively — because it has the potential to be otherwise — and enter into discussions to try to make accommodations that we need for change, the better off we will be. This particular motion proposes a change that brings that issue to the table. We are talking about it together and certainly, we have much more to say, and that is healthy.

[Translation]

Senator Ringuette: I have a supplementary question. Essentially, my question concerns representation by population in the Atlantic provinces.

I am reminded of my experiences during the discussions on the Meech Lake Accord and the Charlottetown Accord, and I know, thanks to testimony before your committee and thanks to the media, that Ontario and Quebec do not want any changes with respect to representation.

Those provinces could not possibly agree with a 2.3 per cent decrease, although, if we look at the percentage of population, Ontario's population is greater than that of Quebec. If we are going to meddle with these tools, we must not be naïve. We have been debating this issue for 20 years, and from one region to the next, a consensus cannot be reached. Among other fears, I am afraid we are, once again, opening Pandora's Box.

• (1630)

[English]

Senator Hays: I do not know that it has ever been closed. The Honourable Senator Ringuette feels aggrieved by the fact that she does not have more now. We had projections in our materials of populations going up to 2031. British Columbia's population is presently at 4.3 million, and in 2031 they will have 5.5 million citizens.

As those dynamics change with the growth of the economy, I was reading that in 2008 Alberta will have a bigger GDP than Quebec. We cannot let those forecasts go by without taking into consideration how passions in those areas develop.

Therefore, if we want to continue this extraordinarily successful federation we presently have where in the past we have been able to address these differences and make changes and respect one another's legitimate objectives, at times we may leave it a bit too long and then change becomes more difficult.

I do not have a problem talking about this. In fact, I think it is healthy to do so. I am happy to know the honourable senator's feelings, and hopefully I have made an impact by expressing myself as well.

Hon. Francis William Mahovlich: Honourable senators, I have reviewed the report. I realize that no one has spoken for Ontario, although I know that one or two members on the committee are from Ontario.

We cannot hold the cap on forever. In 1931, Maple Leaf Gardens was built. There were 500,000 people in Toronto at that time. Montreal had a larger population. Today there are 2.5 million people just in the city of Toronto, and that is not including Mississauga, Oakville, Burlington or Oshawa.

We have big problems in Toronto like you would not believe. We have murders there like we have never experienced previously. We need representation.

Even if we must divide Ontario into two regions, we cannot be listening to someone from Saskatoon telling us about regions. Ontario is large enough to have two regions. We need about 48 senators to properly represent Ontario.

Senator Hays: That may be the way to go. We have two rep by pop houses, but that was not the original idea. The honourable senator has an advantage of the redistributions in the House of Commons as far as Ontario is concerned.

In my answer to Senator Ringuette, I outlined that in our materials we have population projections extending to 2031. At that time, Ontario will have a projected population of over 16 million, which means there would be 672,000 Ontarians for every Senate seat. British Columbia at that time is projected to have a population of 5.5 million, and it will have roughly a million people per every Senate seat.

I know that is not the way to look at the issue, but I am speaking in terms of the strength of the economy and growth. You are better off starting out with 24 than with six, which reflects British Columbia's situation. When looking at the representation in the House of Commons, because of Ontario's population, they will always have at least a third or more.

Senator Mahovlich: The honourable senator can do a lot with figures. I know that. I have had a lot of experience with figures. The point is that Ontario is larger, more populated, has more problems and needs more representation. I just wanted to speak for Ontario.

Hon. Consiglio Di Nino: Honourable senators, this discussion is long overdue. I suspect that if we had engaged in this discussion over the years, we would likely not be dealing with some of the issues we are dealing with today.

On motion of Senator Di Nino, debate adjourned.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every

Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Cochrane*)

Hon. Ethel Cochrane: Honourable senators, I would like to add my voice to the inquiry into the state of literacy in Canada.

At the outset, I wish to commend our honourable colleague Senator Fairbairn for initiating this important debate. I know that she is a genuine and passionate supporter of the literacy movement and, like many of us here, is driven by a desire to see all Canadians benefit from improved literacy skills.

It has troubled me deeply that talk about literacy in recent weeks has been, in my opinion, shrouded by politics. I feel very sincerely that our attention has focused too sharply on the recent literacy spending announcements by the new government and the supposed untruths that have been propagated about them.

More importantly, however, by adopting this focus, we have turned our energies away from the people behind the statistics: the learners, the volunteer tutors and the people in the literacy network. The struggles of these people, especially the millions of Canadians whose literacy skills rank at unacceptably low levels, are far too great and leave too deep of a mark on our country to be exploited for partisan purposes.

Today I would like to shift the attention of this chamber to where I believe it rightfully belongs, back to the people behind the numbers. I would like to share a few stories with you to help humanize an issue that has become mired in political rhetoric and confusing data.

I will start with Dianne Smith's story. It is a very powerful one. To continue the theme identified by Senator Segal and others, it inspires hope.

I had the honour and the privilege of meeting Dianne last year at Literacy Action Day on Parliament Hill. She told us about the role that literacy has played in her life.

Dianne had spent most of her life burdened by weak reading skills. As a child in school, she remembers getting strapped by her teacher, a punishment that was not uncommon at that time. She was often scared and nervous in the classroom. Her reading suffered as a result. She was under great stress because she felt she simply could not read fast enough and she could not understand what she was reading.

As honourable senators know, it is simply not enough to be able to voice the words on the page. You must also comprehend the meaning.

Later in life, after years of hard work, Dianne realized she needed to, and I am quoting her, "work smarter rather than harder." She also felt compelled to set a good example for her children, so she found a volunteer in her community who tutored her one-on-one and later went on to Holland College.

On the day before her fiftieth birthday, she obtained her GED. That stands for General Education Development certificate. That was in 1999. She continued her schooling, along with working in

the home care field, and ultimately decided that she wanted to start her own business. In 2002, Dianne opened Smith Lodge, a licensed community care home that she owns and operates.

Honourable senators, this summer I had an opportunity to visit Dianne in Prince Edward Island. She took me on a tour of Smith Lodge. I can tell you it was simply second to none. It does not surprise me that business is booming for her and she has already expanded her facility.

• (1640)

As I toured the premises, talking with residents and taking in all the details, I was struck by the fact that not so long ago this opportunity would not have existed for Dianne. Despite her many talents and abilities, she simply did not have the literacy skills. Yet, today, she has a thriving business, employs 15 people, provides an important service to her clientele, a home for 27 people, and makes a significant contribution in her community. Such astounding success could never have been hers had she not improved her literacy skills. Not only did she realize her goal of working smarter rather than harder, she also set a wonderful example for her children. In fact, they both pursued post-secondary education themselves.

Let me tell you about another literacy learner, this one from my own community. Jamie Garland's story provides another great example because it illustrates how someone can spend years in the school system but still function at a low literacy level. I know those of us who have not faced similar challenges in our own lives often lack insight into the realities of such situations. Jamie is 25 years old and says, "Reading was a problem for me from early on. Teachers or friends would read for me, and I relied on my memory for the answers in exams. They would advance me every year, even though I could not read." When her mother passed away, Jamie's family moved, and she was transferred to a new school. She says, "A few weeks before final exams, teachers told me I should quit school because they did not give verbal exams. Having to quit school after all the years of struggling was heart breaking. It felt like my whole youth was a waste of time."

After leaving school, Jamie had a child and then worked at Fort McMurray for awhile where, she explains, "It was very hard for a single mom with a literacy problem to maintain health and living for myself and daughter." She decided to go back to school because she wanted desperately to be able to read bedtime stories to her daughter. She wanted a better education. She felt it would lead to a higher paying job and a more comfortable life for her daughter. Above all, she wanted to be able to pick up a book and read to her, something many of us take for granted.

I would like to read for you in Jamie's own words some of the benefits that she has seen as a result of her hard work in the classroom. She says, "I have better speaking skills. I get to travel and meet new people. I have an award for trying my best at school. My self-esteem is up. I can teach things to my daughter and read to my daughter a lot more."

This is something else that she adds: "I know my daughter will have a good education. I will make sure of it, so she doesn't have to struggle with literacy. She will be able to look to her mom's deeds as an inspiration... I will have a better future because of my education. My daughter will have a better future because of my education. That makes all the hard work worthwhile."

I could not agree with her more, and I could not say it better myself. Jamie's story highlights a reality for many children. They live in homes where there is simply little or no reading. Fortunately, there are programs and centres around the country that match volunteer tutors with children and adults who sometimes lack the resources to be able to read at home. These programs simply could not exist without the significant contributions and the gifts of volunteers.

Amanda Marchment is one of many Canadians who freely gives of her time to help promote literacy in her community. She is a reading practice volunteer with the Toronto Public Library's Learning to Read program. For the last five years, she has set aside one evening a week to help young children with reading challenges. Over the years, she has worked with three different students, each one from an immigrant family and each one facing serious difficulties with reading in their primary school classes. For example, the children that volunteers like Amanda help could have reading skills at already a full year or maybe two behind their classmates and behind their grade level.

Amanda is proud of the great improvements she has seen firsthand in these children. While the reading practice builds the students' reading abilities, she says one of the most impressive changes she observes is in their attitude. She notes that, as reading skills improve, so too do attitudes toward reading. While in the beginning the children are distant and reluctant learners, by the end they are eager. They really want to be at the sessions, and they continue their practice reading even when they go home.

This example, honourable senators, reminds us why literacy skills are so important at an early age. It is all well and good for children, especially those who are new to Canada and new to our official languages, to learn to read and write in school, but we need to foster an environment where these children can be supported in their reading at home. Programs like these clearly illustrate how building confidence and instilling a love of reading in children early on in their education will encourage them to be ambassadors for literacy in their own lives and in their families.

I should like to give honourable senators a sense of the people and the organizations that provide front-line literacy action in my province. Tom Dawe is one prime example from St. John's. He has a Master's degree in education and, as executive director of Teachers on Wheels for the last 15 years, he has worked really hard to build a career in the literacy field. The organization that he leads has been active in the community for more than three decades, and the organization has seen significant changes in the profile of the typical client in that time. In the 1980s, Tom says senior-aged men comprised the main demographic of learners. Now it is younger women and heads of single-parent families, women like Jamie from my earlier example.

While the organization has not compiled numbers recently, Tom says that, anecdotally, demand for literacy help today is as high, and maybe even higher, than it ever was. Despite changing demographics, some aspects of the literacy issue have not changed at all. One need look no further than the important role confidentiality plays in supporting learners in their work. He notes that he cannot call the homes of clients because husbands and wives do not know that their spouses have difficulty with literacy or have enrolled in one-on-one tutoring. This point is important to highlight. Many people with low literacy levels

simply do not admit or feel they cannot admit that they have reading and writing difficulties. As I have said in this chamber before, Jacques Demers is a classic example. This secrecy makes it difficult, if not impossible, to compile accurate numbers and get a true picture of the magnitude of the challenge out there.

While Teachers on Wheels is a well-established adult literacy organization in St. John's, Newfoundland and Labrador, Tom is the group's only staff member. As such, he is responsible for program management and for the implementation of projects. He performs these duties and more, under the supervision of five people. They are a volunteer board of directors. The organization survives on an annual budget of \$70,000, with about half from the federal government. This is the level of funding we are talking about here. This program represents a \$35,000 investment from federal coffers. In my view, this is an area where political spin can distract us from reality.

Honourable senators, I have seen their financial statements. The statements are publicly available. I can tell you where they spend the money. They spend it on basic operations, paying rent, phone, Internet service, electricity and insurance.

• (1650)

It is paying a humble salary for this great educator, Tom, in the low \$50,000 range, to someone with extensive professional credentials and experience. It is paying for postage, for printing materials, as well as textbooks and workbooks for the adult learner.

I have heard some cynics say that organizations like these are spending significant funds on extras, such as travel. I was interested in seeing for myself whether that was indeed true. I can tell honourable senators unequivocally that this particular group has spent \$356 and \$206 in the last two years respectively. I know that other groups have larger travel budgets, which typically reflect the province-wide nature of their services, but in cases from my province, at least, these costs appear meagre.

Frankly, honourable senators, much of the remarkable work that is done in literacy costs Canadian taxpayers very little. As a taxpayer, I must say that I feel I am getting unparalleled value for my money when it comes to literacy spending. Truly, much of the work in this field is performed at no cost, by dedicated volunteers.

At last count, there were 25 volunteer tutors at Teachers on Wheels, and not surprisingly, they are always looking for more. Tom suggests that one area where the government could play a very powerful role — and one that I do not think I have ever heard mentioned — is in raising public awareness about the need for literacy volunteers. He says that, although he currently has just 25 volunteer tutors, his work would be the same if he had 100.

Governments could provide support for volunteers and help organizations like Teachers on Wheels to attract and train new volunteers. This is what Tom says: "If they really want to do something about literacy, then help us with volunteers. Help us get more people out there tutoring. That would really make a difference."

Another significant literacy service provider in my community is the Newfoundland and Labrador Laubach Literacy Council. Melanie Callaghan is the executive director, and her organization,

just like Tom's, has an annual budget of around \$70,000. It is funded roughly 60:40 between the federal and provincial governments. However, it should be noted that provincial funding is often tied to federal funding, so that if there are less federal funds committed, the provincial funds will also be reduced.

As a provincial organization with 21 councils in communities on both the island and the mainland, Melanie's organization is required to travel more than Tom's. She visits with councils at sites across the province and is responsible for training. She also oversees the annual meeting and conference.

Currently, Laubach has as a couple of hundred volunteers in our province. Over the years, Laubach has trained literally thousands. At the moment, there are about 200 active tutor pairs that have been facilitated by the organization.

In about a week, Newfoundland and Labrador Laubach Literacy Council will host its annual general meeting in Corner Brook. They expect to have 100 volunteers from communities across the province in attendance. This meeting provides an opportunity, annually, to get together to exchange ideas and information and to share experiences, concerns and knowledge. The meeting also provides an annual opportunity for training.

Honourable senators, I have learned that members of these local councils have been fundraising. They have been selling tickets on prizes, and they have been selling cookies and baked goods to fund their way to the AGM. I should like to stress that it is activities like these, not strictly tax dollars, that provide the financial means for participation in meetings like this.

These volunteers are working hard, not only to help learners in a one-on-one setting, but to improve the literacy services that are available by promoting training and information exchanges among tutors. I think very often it is easy to lose sight of the great work that volunteers are called to do. It is clear that the burden and responsibilities placed on these people is great, and yet we all benefit when they accept the challenge to serve.

Honourable senators, I would be remiss if I did not comment on the recent cuts to literacy funding.

The Hon. the Speaker pro tempore: Honourable Senator Cochrane, I am sorry to interrupt you. Are you asking for more time?

Senator Cochrane: Yes, five more minutes.

The Hon. the Speaker pro tempore: Is it agreed?

Hon. Senators: Agreed.

Senator Cochrane: The Honourable Leader of the Government in the Senate has made assurances to me, and has repeated numerous times, as have others in the government, that no programs will be cut as a result of this \$17.7 million.

Indeed, I regard media reports out of Prince Edward Island yesterday — which indicated that the federal government has approved the P.E.I. literacy association's proposal for two-year funding — as evidence of that commitment to literacy. Just this afternoon, I learned that Literacy Newfoundland and Labrador

has been informed by HRSD officials that they will move ahead with reviewing all proposals that were submitted under all federal literacy funding streams on September 15.

As they understand it, the review will be done in partnership with the provincial government. It has always been that way. The Minister of HRSD will be providing additional guidance in the review process to ensure tangible results, and that is fine.

I applaud this and I hope the fears voiced by literacy advocates across this country are now put to rest.

Honourable senators, I believe Canada's lagging literacy rates constitute a national tragedy. We simply need to do better and we need to do more. We need to harmonize the efforts being made across the country and we need clear, measurable indicators of progress.

The key to success, I believe, may be as simple as bringing all the appropriate stakeholders in the country together to sit around the same table. This is the discussion that can and should take place.

Honourable senators, I wanted to speak today to give voice to people like Jamie and Diane and to commend the efforts of all those working in the literacy field. I know in the current climate it has seemed a thankless job to many of them, especially over the past few weeks. These stories and experiences need to be shared, and that is why this inquiry is so important.

Hon. Senators: Hear, hear!

On motion of Senator Robichaud, debate adjourned.

• (1700)

[Translation]

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE 2005 DECLARATION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Stollery:

That the following Resolution on Combating Anti-Semitism which was adopted unanimously at the 14th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Washington on July 5, 2005, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than October 30, 2006:

RESOLUTION ON COMBATING ANTI-SEMITISM

Recalling the resolutions on anti-Semitism by the OSCE Parliamentary Assembly, which were unanimously passed at the annual meetings in Berlin in 2002, in Rotterdam in 2003 and in Edinburgh in 2004,

1. Referring to the commitments made by the participating states emerging from the OSCE conferences in Vienna (June 2003), Berlin (April 2004) and Brussels (September 2004) regarding legal, political and educational efforts to fight anti-Semitism, ensuring "that Jews in the OSCE region can live their lives free of discrimination, harassment and violence",
2. Welcoming the convening of the Conference on Anti-Semitism and on Other Forms of Intolerance in Cordoba, Spain in June 2005,
3. Commending the appointment and continuing role of the three Personal Representatives of the Chairman-in-Office of the OSCE on Combating Anti-Semitism, on Combating Intolerance and Discrimination against Muslims, and on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, reflecting the distinct role of each in addressing these separate issues in the OSCE region,
4. Reaffirming the view expressed in earlier resolutions that anti-Semitism constitutes a threat to fundamental human rights and to democratic values and hence to the security in the OSCE region,
5. Emphasizing the importance of permanent monitoring mechanisms of incidents of anti-Semitism at a national level, as well as the need for public condemnations, energetic police work and vigorous prosecutions,

The Parliamentary Assembly of the OSCE:

6. Urges OSCE participating states to adopt national uniform definitions for monitoring and collecting information about anti-Semitism and hate crimes along the lines of the January 2005 EUMC Working Definition of Anti-Semitism and to familiarize officials, civil servants and others working in the public sphere with these definitions so that incidents can be quickly identified and recorded;
7. Recommends that OSCE participating states establish national data collection and monitoring mechanisms and improve information-sharing among national government authorities, local officials, and civil society representatives, as well as exchange data and best practices with other OSCE participating states;
8. Urges OSCE participating states to publicize data on anti-Semitic incidents in a timely manner as well as report the information to the OSCE Office for Democratic Institutions and Human Rights (ODIHR);

9. Recommends that ODIHR publicize its data on anti-Semitic crimes and hate crimes on a regular basis, highlight best practices, as well as initiate programs with a particular focus in the areas of police, law enforcement, and education;
10. Calls upon national governments to allot adequate resources to the monitoring of anti-Semitism, including the appointment of national ombudspersons or special representatives;
11. Emphasizes the need to broaden the involvement of civil society representatives in the collection, analysis and publication of data on anti-Semitism and related violence;
12. Calls on the national delegations of the OSCE Parliamentary Assembly to ensure that regular debates on the subject of anti-Semitism are conducted in their parliaments and furthermore to support public awareness campaigns on the threat to democracy posed by acts of anti-Semitic hatred, detailing best practices to combat this threat;
13. Calls on the national delegations of the OSCE Parliamentary Assembly to submit written reports at the 2006 Annual Session on the activities of their parliaments with regard to combating anti-Semitism;
14. Calls on the OSCE participating states to develop educational material and teacher training methods to counter contemporary forms of anti-Semitism, as well as update programs on Holocaust education;
15. Urges both the national parliaments and governments of OSCE participating states to review their national laws;
16. Urges the OSCE participating states to improve security at Jewish sites and other locations that are potential targets of anti-Semitic attacks in coordination with the representatives of these communities.—(*Honourable Senator Segal*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, all Canadians find anti-Semitism deplorable. It is important for us, honourable senators, to speak out on this issue. I believe that all senators should deplore such behaviour.

I will likely wish to speak about this subject again in future. However, I would like to adjourn the debate, in my name, to a later date.

On motion of Senator Comeau, debate adjourned.

THE SENATE

MOTION TO URGE GOVERNMENT TO STUDY IMPACT OF LEGISLATION ON REGIONS AND MINORITIES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Cordy:

That the Senate urge the government to accompany all government bills by a social and economic impact study on regions and minorities in accordance to the Senate's role of representation and protection of minorities and regions.
—(*Honourable Senator Tkachuk*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, the social and economic impact of decisions made in Ottawa is definitely another matter for our attention. I know that many of you, including Senator Tkachuk, are interested in this matter.

For my part, I have very little to say on this subject. For that reason, I would like to adjourn the debate, in my name, to a later date.

On motion of Senator Comeau, debate adjourned.

[English]

FISHING INDUSTRY IN NUNAVUT

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Adams calling the attention of the Senate to issues concerning the fishing industry in Nunavut related to the use of fishing royalties, methods of catch, foreign involvement and a proposed audit of Inuit benefit from the fishery.
—(*Honourable Senator Fraser*)

Hon. Elizabeth Hubley: Honourable senators, as an Atlantic Canadian, I feel compelled to speak in support of Senator Adams and the attempts being made by the Inuit people to realize greater economic benefit from the Nunavut turbot fishery. It is an important issue for all of us and I would now like to adjourn the debate in my name and speak to it later in the time I have left.

On motion of Senator Hubley, debate adjourned.

CONTRIBUTIONS OF THE HONOURABLE HOWARD CHARLES GREEN TO CANADIAN PUBLIC LIFE

INQUIRY—DEBATE ADJOURNED

Hon. Lowell Murray rose pursuant to notice of October 30, 2006:

That he will call the attention of the Senate to the faithful and exemplary service to Canada, during his entire adult lifetime, of the late Honourable Howard Charles Green of British Columbia.

He said: Honourable senators, should I pause for a moment so that those who wish to head for the airport or elsewhere may now leave because I do not intend to adjourn the debate after a moment's intervention but, rather, to make the speech which I had intended to make.

Senator Comeau: They will not go to the airport; we are sitting tomorrow.

Senator Murray: Yes, we are sitting tomorrow. I had forgotten.

Honourable senators, I prepared a notice of inquiry last week. However, once Senator Segal had spoken so well on the subject during Senators' Statements, I decided it was no longer necessary to pursue it. Later, I was persuaded by two considerations to go ahead with this inquiry.

First, several honourable senators indicated to me that they, too, wished to offer their appreciation of the life and public career of the late Honourable Howard Green. Second, the decision to name a building in Vancouver for Mr. Green is now being reconsidered by an advisory committee at the direction of the Minister of Public Works and Government Services. I would hope that these speeches in the Senate, together with public interventions by other Canadians, will help place matters in their proper perspective and ensure that Howard Green is honoured as he should be.

As to his views regarding Japanese Canadians during World War II, Mr. Green was dead wrong and he had plenty of company being wrong. Canada was to some degree in the grip of hysteria, not for the first time — and not, as the intervening years have sadly shown, for the last time. The political class, from the federal government on down, responded hysterically — not for the first time and, sadly, not for the last time.

Most MPs, particularly those from British Columbia, supported and in some cases called for the action taken by the government of Prime Minister Mackenzie King. Those British Columbia MPs included the federal minister, the Honourable Ian Mackenzie; the great provincial and great federal CCF parliamentarian Harold Winch; and they included Mr. Green. I am told on good authority that the only British Columbia MP who opposed the government's action was the late Angus MacInnis, long-time MP for Vancouver East and Vancouver Queensway, whose widow Grace MacInnis later served in the House of Commons.

Howard Green ought to be judged, as all of us would want to be judged, in light of our entire careers and of our total contribution. By any reasonable standard, that judgment on Howard Green's service can only be overwhelmingly positive.

I knew Howard Green personally. I knew him in Ottawa and in Vancouver, for I had been chief of staff to one of his British Columbia cabinet colleagues, the Honourable Davie Fulton. I knew Mr. Green the way a young political assistant would know a senior minister, which is to say we were not on first name terms — at least I did not call him by his first name. I should say that among his many attractive qualities was a warm and encouraging attitude to young people. Those of my generation who served in his ministerial office or worked on his campaigns in Vancouver revered him.

I admired him also because he was steadfast in his convictions and indefatigable in defending them. The late Blair Fraser, the journalist, once described Howard Green as the lone pine of Parliament Hill because he stood apart and would not bend. Mr. Green had been one of that small and, I think, heroic band of

Conservatives who kept their party alive in Canada through the most daunting circumstances from 1935 when he was first elected, through all the war years and through three losing elections in the post-war period. With nothing but their own stubborn intelligence and determination, they became formidable parliamentarians in the House of Commons and discharged their constitutional duty as Her Majesty's Loyal Opposition loyally and with great effectiveness. Howard Green, and later John Diefenbaker, George Drew, George Pearkes, Douglas Harkness, Gordon Churchill, Davie Fulton, Léon Balcer, Ellen Fairclough, Alfred Brooks and George Nowlan fought on, underpaid, understaffed — and, as it turned out, greatly underrated — until eventually they turned the tide.

I say to the Minister of Public Works and Government Services: If there is any institutional memory in his department, the Honourable Howard Green must have a place of honour. By the mid-1950s, the culture of the Department of Public Works had not much changed since the days of poor old Sir Hector Langevin, who had been tainted by the Pacific scandal at the beginning of his career and the McGreevy scandal at the end of his career and whose name today adorns the very seat of power in Ottawa, the Langevin Block. Prime Minister St. Laurent was determined to clean up Public Works and to that end appointed Robert Winters as minister and Major-General H. A. Young as deputy minister. The Winters-Young team made a good start at it, and Howard Green finished the job with the redoubtable General Young at his side.

On the very first day in June 1957 that the new government took office after 22 years in the desert, Mr. Green — to the consternation of many — declared that there would be no political patronage in the awarding of Public Works contracts and he proved to be as good as his word. Those were the days.

I was going to say — perhaps there would be too much levity — that by the time Fulton and I got there in 1962, there was no fun left in the department.

In his statement last Thursday, Senator Segal spoke of Mr. Green's commitment as external affairs minister and of his tireless international work in the cause of nuclear disarmament. It must be said that disarmament was not a high priority in the country or in the government when he became minister. He created a disarmament division in the department and by the time he left office four years later, that issue was front and centre in government, Parliament and the country. In achieving this, Howard Green made common cause with citizens and organizations in whose company more traditional politicians would not usually be found.

[Translation]

This son of British Columbia quickly realized that the decolonization of francophone Africa presented Canada with an opportunity to make new allies in the United Nations and new connections abroad for French Canadians. His determination to establish diplomatic relations with these new francophone nations was stalled by the conspicuous absence of a critical mass of francophones in our diplomatic service. To correct the problem, we needed a new language policy. In the meantime, the minister found a way to improvise by appointing ambassadors with multiple mandates to ensure that Canada was represented in the new francophone African nations.

Mr. Green also recognized the growing importance of foreign aid in the foreign policies of industrialized nations. It was he who created the External Aid Office as part of the old Department of External Affairs. That office is now known as CIDA.

• (1710)

[English]

During the debate in the Commons about the dispatch of troops to Cyprus some years after Mr. Green had left Parliament, Prime Minister Pearson reflected on the difficulties government and Parliament confront in such matters, and he referred to the decision of an earlier government regarding the Congo. Said Mr. Pearson: "It is not inappropriate for me to recall tonight that in those days one of the strongest and most sincere supporters of the United Nations action in this field was the man who was secretary of state for external affairs in those days, Mr. Howard Green."

Honourable senators, the unnecessary and unfortunate controversy that arose following the naming of a federal building in Vancouver in his honour may yet have served a good purpose in that it provides occasion for some of us to express our appreciation and for others to more fully understand the truly exemplary and faithful service and the lasting contribution to our country of the Honourable Howard Charles Green, an outstanding parliamentarian and a fine man.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I was going to take the adjournment of the debate in the name of Senator Campbell, but I believe Senator Downe has a question.

Hon. Percy Downe: Honourable senators, I did not know Mr. Green, but I have listened to the speeches about him. It is important to emphasize that, when he spoke, he spoke in the period in which he lived. Those of us who have read about various times in Canadian politics know that at different times there are different contemporary views that are not accepted today. The senator covered that in his early statement, that he was wrong at the time. His view today might be very different.

I have always been concerned that the naming of federal buildings seems to be restricted to the names of former politicians. Many Canadians who have made contributions to this country do not have a building named after them. There are many great examples. In Charlottetown, there is the Daniel J. MacDonald Building. Mr. MacDonald was a former Minister of Veterans Affairs. He suffered injuries in the Second World War. It is a good building. My old friend Joe Ghiz has a building named after him in Summerside, although I am not sure a politician would want a tax office named after him. That was a good choice as well.

The recent naming of the new federal building in Charlottetown created a controversy. Using the same procedure Senator Murray mentioned earlier, maybe he could pass on to the Leader of the Government in the Senate who might pass on to the Minister of Public Works that we should consider broadening the base beyond politicians. There are many people who could have a federal building named after them. Most of the politicians in this

country have been men; therefore, most of the buildings have been named for male politicians. By expanding the base, we could have more buildings named for women.

In Prince Edward Island, I suggested — and this shows my limited influence — the name of Georgina Pope, who, as many people know, is considered the Florence Nightingale of the Canadian military. Ms. Pope was born in Charlottetown. She had an outstanding career in the Boer War and the First World War. She died in Charlottetown in 1938. Her brother, incidentally, served as private secretary to Sir John A. Macdonald. Thus, this was not a partisan recommendation.

I support Mr. Green and the initiative, based upon the comments I have heard. Would Senator Murray consider recommending to the committee that they expand the base of the people they consider for this consideration?

Senator Murray: I would gladly do that, honourable senators. I presume my friend is not speaking of the particular committee and the particular building that I hope will be named after Mr. Green, as the government and the committee had earlier recommended and intended.

Now that I reflect on it, I think advisory committees are set up on each occasion. It would be worthwhile for the government to consider for all of these committees a set, not of regulations but of guidelines, that would emphasize gender, for one thing, the number of women who have contributed mightily to the country, but also the occupations and contributions outside of politics and public service that ought to be recognized in public buildings.

While Senator Downe was speaking, my mind was ranging over the public buildings I know, trying to find exception to the rule he has put forward, and I have not been able to recall one, although there are some. Speaking of worthy politicians, I saw only today — I had not realized it — that a facility in Newfoundland and Labrador is named after our former colleague Bill Petten, because of the contribution he made to a particular piece of legislation going through having to do with our jurisdiction in the fishery. I had not known that until this morning.

Senator Downe: Honourable senators, for greater clarity, I am not opposed to excluding politicians from the naming of future buildings. For example, we have in this chamber a colleague, Senator Calbeck, who was the first woman ever to win an election for a provincial government. Some day, and we hope it will be decades from now, there will have to be a building named after her.

That is the good news. The bad news is that, since she won that election, no other woman has ever done that.

There will be times where former politicians will have buildings named after them, but we have gone too far one way. These buildings are funded by Canadian taxpayers' dollars and we should consider expanding the base.

Hon. Lorna Milne: If I may, instead of a question, I shall direct a suggestion to Senator Murray, that he suggest to his former cohort the Leader of the Government in the Senate that perhaps they should consider naming a building after a female politician, and I suggest Agnes McPhail.

[Senator Murray]

Senator Murray: What about Ellen Fairclough?

Hon. Mobina S. B. Jaffer: I wish to thank the Honourable Senator Murray for his eloquent speech.

The Hon. the Speaker *pro tempore*: The time for Senator Murray has expired. Is the honourable senator asking for more time?

Senator Murray: Yes.

The Hon. the Speaker *pro tempore*: You have five minutes. You may proceed with your question, Senator Jaffer.

Senator Murray: It is not clear to me whether Senator Jaffer wishes to intervene in the debate or whether she is asking a question.

Senator Jaffer: Honourable senators, I am asking a question.

Of course, I did not have the pleasure of knowing Mr. Green so I am keeping my ears open as to what my colleagues say about him. However, I also want to share with honourable senators the pain that my community, a substantial community in British Columbia, feels about the discrimination that existed at that time. I can tell honourable senators that when Prime Minister Mulroney heard the pain and gave redress, there was much healing in my community; so there is the challenge that my community will feel pain when they see this building. I share with you that there is still pain on this issue.

However, I want to ask Senator Murray, given that I regard him to be a statesman in this house, whether he thinks we have learned any lessons from that period, where there was feeling against the Japanese. I believe we are facing some of the same challenges at this time against a certain community. Can the honourable senator share some of the lessons we have learned from that period?

Senator Murray: Senator, with regard to the first point, I do not think, as I suggested and Senator Segal suggested, that it is at all fair to single out one person who happened to be a member of Parliament and supported the position of the government at the time when there were so many others, and when, as Senator Downe has said, it is hardly appropriate or useful to judge these people on the basis of what I hope are our standards today.

• (1720)

More important, in regard to the second question Senator Jaffer asked as to whether we have learned, sometimes I wonder what we have learned and whether we have learned much. That being said, the fact of the matter is that in today's climate, there is less chance of hysteria taking over than there was. In the event that it does, we have legal safeguards that were not present in those days. God forgive me, I never thought I would say a word in their defence, but we do have a much more independent and alert media.

On motion of Senator Fraser, for Senator Campbell, debate adjourned.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO REFER DOCUMENTS FROM PREVIOUS PARLIAMENTS TO STUDY ON BILL S-213

Hon. Joan Fraser (Deputy Leader of the Opposition), for Senator Bryden, pursuant to notice of November 1, 2006, moved:

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs in relation to:

- Bill C-15B, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act during the First Session of the Thirty-Seventh Parliament;
- Bill C-10, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, and Bill C-10B, Act to amend the Criminal Code (cruelty to animals) during the Second Session of the Thirty-Seventh Parliament;
- Bill C-22, An Act to amend the Criminal Code (cruelty to animals) during the Third Session of the Thirty-Seventh Parliament; and
- Bill S-24, An Act to amend the Criminal Code (cruelty to animals) during the First Session of the Thirty-Eighth Parliament;

be referred to the Committee for its study on Bill S-213, An Act to amend the Criminal Code (cruelty to animals).

Motion agreed to.

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Maria Chaput, pursuant to notice of November 1, 2006, moved:

That the Standing Senate Committee on Official Languages have the power to sit on Monday, November 6, 2006 at 4:00 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I would like to know why the committee would have to meet during the sitting of the Senate.

Senator Chaput: Honourable senators, our meetings are scheduled on Mondays, from 4 p.m. to 6 p.m. That is the only time we can meet. Next Monday, we will be welcoming the honourable Josée Verner and the new Commissioner of Official Languages.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Friday, November 3, 2006, at 9 a.m.

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• 39th PARLIAMENT

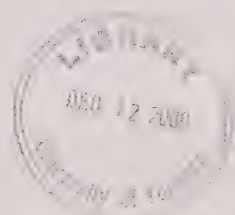
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OFFICIAL REPORT
(HANSARD)

Friday, November 3, 2006

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*



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THE SENATE

Friday, November 3, 2006

The Senate met at 9 a.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

WORLD WAR I

NINETIETH ANNIVERSARY OF BATTLES OF THE SOMME AND BEAUMONT-HAMEL

Hon. Consiglio Di Nino: Honourable senators, I would like to share with you a poem that is contained in the Veterans Affairs Canada "Canada Remembers Division" website, written by a young person who attended the 90th Anniversary of the Somme and Beaumont-Hamel remembrance journey this summer. His name is Lee MacPherson. Lee wrote:

Remember the remembered
Never forget the forgotten,
And live for those who are dead.

Be brave like those before us,
Smart enough for those behind us;
Someday you too may die for those beside or behind you.

If you remember the remembered
Their memory will never fail,
And their legacy will march on forwards.

But by forgetting the forgotten,
You'll never hear their untold stories;
Their stories are simple whispers, heard only on the wind.

If you live for those who are dead,
You shall always honour their sacrifice.
Your freedom was founded through the cost of their sacrifice.

You took this torch, now hold it high.
Though you may stumble on your journey,
Please never let this torch fall.

Remember the remembered
Never forget the forgotten
Live for those who are dead,
Your freedom was not free.

• (0905)

ATLANTIC CANADA OPPORTUNITIES AGENCY TRADE MISSION TO FLORIDA

Hon. Donald H. Oliver: Honourable senators, I rise to inform you of a Team Canada Atlantic Canada Opportunities Agency, ACOA, trade mission that I had the honour to lead to Orlando and Tampa, Florida last weekend.

More than 45 businessmen from the four Atlantic provinces participated in what is considered to be the most successful trade mission undertaken since they began in 1999. These missions have one overriding goal, that is, to raise awareness of, and open doors to, Atlantic Canadian businesses in our most important marketplace, America. These missions have already targeted key regional markets in Washington D.C., Atlanta, New England, New York and Chicago. Florida is a strategic economic centre of the Americas. If that state were a country, it would be the fifteenth largest economy in the world.

I led the mission to Florida because the Florida market provides an excellent opportunity for Atlantic Canadian businesses to display their products in life sciences, information technology, agri-food, seafood, aerospace and the security sector — areas in which Atlantic Canada has proven expertise.

Each province was represented by a senior minister in the mission, namely, the Honourable Richard Hurlburt, Minister of Economic Development and Minister responsible for Nova Scotia Business Incorporated; Honourable Trevor Taylor, Minister of Innovation, Trade and Rural Development in Newfoundland and Labrador; Honourable Greg Byrne, Minister of Business New Brunswick; and Cletus Dunn who substituted for the Honourable Michael Currie, Minister of Development and Technology, Prince Edward Island.

Before I left Florida to return to my Senate duties on Tuesday, many of the 45 companies had already had several productive meetings with prospective purchasers, such as Disney Corporation.

Past trade missions have allowed more than 360 small businesses from Atlantic Canada to connect with some 3,000 buyers from all over the United States.

When I spoke at the prestigious Tampa Club on Monday, I told the senior business community that Atlantic Canada not only is a supplier but a leader and innovator in the northeast. I told them that the Port of Halifax is the second deepest natural harbour in the world and, with the Port of St. John's, the region helps provide 88 per cent of America's natural gas and 17 per cent of its oil imports.

I also proudly told the business community in Florida that Canada continues to lead the G8 in terms of low costs of doing business. Of the 91 major centres surveyed among the G8 countries, including cities such as London, Paris, Frankfurt and New York, three Atlantic cities ranked in the top five out of 91. Those three cities are Moncton, New Brunswick, Charlottetown, Prince Edward Island and Halifax, Nova Scotia.

Honourable senators, Monday night was called, "Taste of Atlantic Canada Night." It was the showcase and reception that continues to be the key draw for U.S. participants and a highly successful event. This one was no exception. In addition to showcasing Nova Scotia seafoods and foods, the reception

provided mission participants with an opportunity to network with representatives from local business, industry associations and government officials.

In conclusion, I am convinced that this trade mission demonstrated the commitment of Canada's new government in cooperating with our number one trade partner, the United States of America.

ROUTINE PROCEEDINGS

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

CONFERENCE OF PARLIAMENTARIANS
OF ARCTIC REGION, AUGUST 2-4, 2006—
REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Canada-Europe Parliamentary Association to the meeting of the Standing Committee of Parliamentarians of the Arctic Region for the seventh conference of parliamentarians of the Arctic region, held in Karuna, Sweden, from August 2 to 4, 2006.

• (0910)

QUESTION PERIOD

THE SENATE

OFFICE OF LEADER OF THE GOVERNMENT—
MEDIA LEAK ON NATIONAL SECURITY AND
DEFENCE COMMITTEE TRIP TO DUBAI

Hon. Tommy Banks: Honourable senators, my question to the Leader of the Government in the Senate arises from my having read the Hansard of yesterday in which I had the temerity to ask the leader three times in succession about when she knew that a person in her office was in the business of pursuing and collecting detailed information on the hotel bills of senators travelling on Senate business.

Each time, she answered in the context of telling the house when she heard the testimony of yesterday morning's proceedings of the Standing Committee on Internal Economy, Budgets and Administration. I infer from that response that that is when she first heard of it.

Could the honourable leader confirm to the Senate that prior to hearing yesterday's proceedings or hearing about yesterday's proceedings of the Standing Committee on Internal Economy, Budgets and Administration she had no knowledge that anyone in her office was pursuing and collecting detailed information about the hotel bills and any other information in respect of senators travelling on Senate business?

[Senator Oliver]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Banks for his question. I have not read a copy of yesterday's Hansard because I have not yet received it. I do not believe that any detailed hotel bills were sought or provided. I have not seen the bills to which the honourable senator keeps referring.

With regard to when I knew that we had some information, I cannot put a precise time on it. However, it was around the time that we were preparing for the question of privilege that my colleague Senator Stratton was about to table in the chamber.

Senator Banks: I now understand, which I did not yesterday, that the leader had that knowledge. The fact a person who works in the leader's office asked for detailed information is not an allegation or a suggestion. Rather, it is an irrefutable fact. Documentation tabled yesterday demonstrates that, without question. I understand that at some time prior to yesterday morning, the leader had knowledge that that was being done in her office. Am I correct in understanding what the leader said?

Senator LeBreton: I will not acknowledge that there were detailed bills from hotels sought because I do not think they were sought and I do not think they were provided. I still have not seen these bills. As the honourable senator said yesterday, there were details of people's phone calls. I do not believe that is the case because I have not seen the bills and I have not seen the documents tabled before the Standing Committee on Internal Economy, Budgets and Administration. As I said a moment ago, when we were preparing for the question of privilege raised by Senator Stratton regarding the trip to Dubai, I was informed that there was some information about this from a particular member of my staff. I was not alarmed by it because I do not believe that it is improper to seek information that is clearly public. People know that members of the Standing Senate Committee on National Security and Defence went to Dubai and stayed in hotels. Unless and until the honourable senator can prove otherwise, I do not believe that detailed information was sought with regard to the charges of individual senators and staff on that trip.

• (0915)

Senator Banks: Madam minister, I tabled in this house yesterday, and I commend to the leader's attention, copies of an email message sent by a man named Jeffrey Kroeker, an employee of the Senate of Canada working under her direction in her office, addressed to the Renaissance Hotel in Dubai in which Mr. Kroeker specifically asks that hotel to provide him with more detailed information than the information which they had prior to the message already sent to him.

I wish to inform my honourable friend now that I will inquire of her further once she has had a chance to familiarize herself with that message.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, by way of a supplementary question, I take it from the Leader of the Government in the Senate that she is still unconcerned and unwilling to look into this matter in terms of her staffer making these requests for information, which is essentially personal information, about senators' expenses while they were in Dubai, and also whether that might have been the means by which this information became public.

The exchange of information started on October 10. The detailed information was provided on October 17 and 18 with the first news reports. It may or may not be that those inquiries produced documentation that found its way into the public domain by way of a leak or otherwise.

My question to the honourable leader yesterday was whether she intended to look into this matter by meeting with her staff member to satisfy us as to whether or not that might have happened. She said, no, that she would not. When I said she does not care, she said that she does care. The way in which she cares I think is best summarized by her response to Senator Banks yesterday when she said:

...I support his right, as a person working on such files, to make any inquiries he wishes.

I will give the honourable senator a chance to respond to the question again as to whether she remains unconcerned and unwilling to look into this matter with her staff person.

Senator LeBreton: I must say that this is quite an unusual debate.

An Hon. Senator: It is an unusual occurrence.

Senator LeBreton: The issue here is the fact that the trip took place in the first place. The attempts by senators opposite to change the channel and focus on a member of my staff are rather interesting.

Having said that, I do not believe that anyone on my staff acted improperly, and I do not believe that they were the source of the leaks to the media.

Senator Hays: Is the government leader unwilling to speak with that person and come back and confirm that with us?

Senator LeBreton: I do not think that I would expect the Leader of the Opposition to report to the Senate chamber private deliberations with his staff, and I do not intend to do it myself.

Senator Comeau: That's right.

Senator Hays: I think the concerns expressed rise to a higher level than that. I would like to get into what has been alluded to as the other "channel," and that is the leader's approval of this method of operating within her office. It was apparently unsupervised by her because she did not know about it yesterday and is unwilling to make the inquiries I have requested. The reason I think they rise above a normal senator-staff relationship, in particular a Leader of the Government-staff relationship, is because they have been the subject of our exchanges in Question Period and a rather long deliberation in the Internal Economy Committee yesterday.

I take it from the honourable leader's view on this question that it would be appropriate for any senator to have staffers working on — she said "such files" — inquiries into various senators to find out what they spent and to obtain copies of their phone bills. Quite frankly, for a very important leader in the Senate, the second most important after the Speaker, to condone

unsupervised staff inquiries into such things as senators' hotel bills — for what purpose I am not sure — would be a dramatic change in the culture of this place.

• (0920)

Senator Comeau: It is on public business.

Senator Hays: I think that would change the culture of this place and it could become a shooting gallery. We could all have staff people working on what so-and-so spent when they went here or there — leaking it or not — raising those as issues, which would tend to demean and discredit this place, if we followed that example. Does the Leader of the Government agree?

Senator LeBreton: I do not agree. I do not support staffers or anyone prying into the private accounts of senators. I do not condone that for a moment. I am surprised the honourable senator would even suggest that.

The issue here before the Senate and the public is very controversial, about a specific trip by a committee to Dubai. The issue was in the news. Regarding the fact that someone made an inquiry specifically in relation to this trip, I do not believe that — and I have not seen the documents, I have not seen the bills — information was sought or given about the personal, private expenses charged to hotel rooms by the senators involved. I am at a disadvantage here because I have not seen these bills, and I certainly was not ever made aware that anyone was probing into the private affairs of any individual senator.

Senator Hays: The Leader of the Government has not seen them. I commend them to her. I think when she sees them, she will see — as has been put on record and tabled in this place — that the inquiries were made into what is personal information.

The inquiries were an example of someone in her office having such files, and the approval of the Leader of the Government in making these inquiries, which is, I guess, approval for us all to do the same thing. Personally, I do not like that activity and I will not do that.

In this place, we have developed ways over time of ensuring that when we spend public money, we do so under the supervision of those in the clerk's office and those responsible for clerking and performing administration work on committees. We have a Standing Committee on Internal Economy, Budgets and Administration and through this committee we ensure that monies are spent properly. We are always vigilant; it is a never-ending process.

However, I take it from the procedures in the office of the Leader of the Government, she does not have sufficient confidence in those procedures that are in place, such that she thinks it is necessary to have staff people in her office doing the same work, possibly creating records — accidentally or on purpose, we do not know — that enter the public domain and bring discredit to this institution.

Senator LeBreton: That almost warrants no answer because it is so insulting. Of course, I respect the clerk and the officers of the Senate. Of course, I believe that we should be accountable for any public monies that we spend.

To suggest that I have no faith in the Standing Committee on Internal Economy, Budgets and Administration is also incorrect, because it is precisely why my colleague, Senator Stratton, referred the matter to the Internal Economy Committee. If I had no faith in the Internal Economy Committee, I would have said, let us have it all out on the floor of the Senate.

With regard to this particular incident, I do not believe that a member of my staff sought out personal information and I do not believe it was given. This particular staff member works on keeping our senators informed on committees. When the activities of a committee on which he is working on our behalf, providing information and research material for your senators, becomes the focus of public attention — as was the case with this particular committee — that would explain his inquiry. However, I do not believe he sought out, or was given, personal information, nor do I believe he was the source of the leaks.

• (0925)

Senator Hays: Honourable senators, let me then put on the record what has been tabled here and in the Standing Committee on Internal Economy, Budgets and Administration. This is a short message from an employee of the Renaissance Dubai Hotel, Amjad Khan. It is addressed to Jeffrey Kroeker, the government leader's office, dated September 17, re Invoices for Canadian Senators Meet. It is from Mr. Kroeker in the government leader's office, and I quote:

Dear Amjad, thank you so much for sending me the invoice. I was hoping you could help me with further detail.

First — if possible, could you please send me the invoices for Senator Colin Kenny, his name was not included on the invoice and I believe it might be under a separate invoice.

Second — if possible, can I get detailed breakdowns for each room?

Third — if possible, I note that no lunches or other costs were included on the invoice. Were those included in room charges? If not, would you be able to track down any and all sundry costs associated with the stay?

Thank you,
Jeffrey.

Senator Kenny: This material was tabled yesterday.

Senator Hays: It is part of a series of correspondence, it acknowledges receipt of information and it contains a request for more information, much of which would be personal. I put that on the record and ask the leader, now that she has heard what it contains, whether she acknowledges that someone in her office was seeking personal information about senators?

Senator LeBreton: I did not hear the honourable senator say that they asked for personal information. I do not believe that anyone would want personal information but, again, the issue here is —

Senator Kenny: It is spying on senators.

Senator LeBreton: The issue here is that the committee travelled to Dubai. The committee is funded publicly —

Senator Kenny: Spying!

Senator LeBreton: — with taxpayers' dollars and it was becoming a matter of some public notice, quite justifiably. Therefore, the issue here is whether we think that members of the Senate, no matter what committee they may be part of, somehow or other should not be accountable to the public and to the taxpayer for monies that they expend while they are on so-called public business.

Senator Kenny: Answer the question.

Senator Hays: Would the leader not agree that, in addition to getting good value for what we spend, the issue here is that we have a parliamentary committee travelling to the United Arab Emirates, a country with which we want to have a good relationship, looking into ports issues when their acquisition of a port in our country is possibly controversial but, in any event, something that we want to know more about, and then attempting to find out more about one of the big issues of the day, which is the Canadian presence in Afghanistan and its success or otherwise. Is that not the really important issue, and is that not the role that we should be really focusing on, namely, whether parliamentarians can effectively do that sort of thing? Is that not the issue?

Senator LeBreton: Finally, Senator Hays has come around to what the real issue is. Of course, the issue with this particular trip is the Afghanistan portion. As we all know, the committee was advised before the trip even began that they would not be able to get into Afghanistan. The purpose of Senator Stratton's question and the referral was upgrading the trip to Afghanistan. When Senator Kenny spoke of this trip in June, it was all predicated on getting into Afghanistan. Even the London, Rotterdam and Dubai portions were all predicated on getting into Afghanistan, which was precisely the question that Senator Stratton raised.

I believe that Canadians, of course, want to know the situation in Afghanistan. I think all Senate committees have done good work in this and other areas. That is the issue here. However, the underlying issue is that the trip to Afghanistan was cancelled. The committee went ahead, knowing that the trip to Afghanistan had been cancelled. I have heard all of the arguments about why they continued to go on to Dubai when it was very clear — and I am not certain of this but I believe the committee had been in Dubai within —

Senator Kenny: Answer the question.

• (0930)

Senator LeBreton: I do not take orders from you, Senator Kenny. Many people might, but I do not.

I do not think the word "disgraceful" applies to me, Senator Kenny.

Honourable senators, the issue is that this trip was of particular interest, and I do not believe that a member of my staff did anything improper in making an inquiry. I do not believe the intent was to seek out personal information. I totally agree that personal information should not be sought. I agree on that small point.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government. I want to come back to the phrase she used yesterday in response to Senator Banks about Mr. Kroecker being "a person working on such files."

The leader told us yesterday that she has a small staff, and I agree that nine is not a large staff for the Leader of the Government in the Senate and a member of the cabinet. Therefore, I assume that every single staff member has to set, under the leader's instruction or autonomously, rigorous priorities.

In that context, can she explain precisely what she meant by "such files." Does the leader have a person in her office whose job it is to check up on how Senate money is spent by senators doing the work that the Senate assigned to them?

Senator LeBreton Honourable senators, no, I do not.

Senator Fraser: In that case, I am still bemused about the meaning of the phrase "such files." What did the leader mean by "a person working on such files?"

Senator LeBreton: As I explained in an earlier answer, this individual works in my office assisting senators on our side to coordinate their activities in committees. He worked long hours with Senator Oliver on Bill C-2.

When I say "such files," I am talking about pertinent matters that are before the Senate. He works with my colleagues and me, preparing us for the work of the committee with which he happens to be working.

Senator Fraser: Honourable senators, I believe we all agree that one of the key principles of this place is that all senators are, or should be, on a level playing field with regard to the working of the rules. Therefore, I will return to a question that I asked the Leader of the Government yesterday, which she said she would not dignify with an answer. When she gave me that answer, she was at the end of a long and fairly arduous Question Period. Perhaps upon reflection she might have chosen to answer, so I will give her another chance to answer it.

I asked whether she would undertake to establish a system of principles and practices in her office to indicate to all senators that it is not appropriate behaviour for staffers to snoop into fields that are the appropriate domain of the Senate administrative rules, which are administered by the Senate administration and by the Standing Committee on Internal Economy, Budgets and Administration.

Senator LeBreton: Honourable senators, I will not answer that question because I do not have staff poking around in matters that are being dealt with by the Internal Economy Committee. The expenses incurred in Dubai, which were the subject of some long meetings yesterday, have already been submitted to the Senate finance directorate, where I expect they are being processed as they should. That is their job. I have a good staff. They work hard, and they are not the type of people with whom I would need to sit down and lecture about Senate propriety.

• (0935)

This whole issue underscores part of the problem here, which is a problem that the public has, that somehow or other senators, individually or collectively, are beyond the reach of scrutiny by the ordinary public and, therefore, by the ordinary taxpayer.

I have many things to do in my office, and I can assure honourable senators that I am not interested in the personal activities of individual senators. However, I am interested in protecting taxpayers' hard-earned dollars.

Senator Hays: Surely the last statement by the leader cannot be characterized as anything other than an expression of want of confidence in our current procedures such that she believes her office has to come in and supplement procedures to make up for deficiencies in our administration, Internal Economy and other areas. I would like the Leader of the Government in the Senate to come clear on that point.

Senator LeBreton: In an earlier answer, I expressed great confidence in the administration of the Senate, the Clerk and the members of the Internal Economy Committee. This particular matter was aired before the Internal Economy Committee, as was mentioned yesterday, which is where it should be aired. This debate is interesting to me. With all the other issues that are taking place, the idea that we are so concerned about this particular issue that we would spend two full Question Periods discussing it causes difficulty and explains why the public feels the way that it does about the Senate.

Senator Fraser: I am having some difficulty squaring the circle of the various answers of the Leader of the Government in the Senate. She says that she has faith in the Senate administrative rules and in the Standing Committee on Internal Economy, Budgets and Administration, as do we all, I hope, but she continues to say that it was appropriate for a member of her staff to make detailed inquiries about the expenses of individual senators, including sundries, while on Senate business. If the Leader of the Government in the Senate believes that that is appropriate, it is, as the Leader of the Opposition suggested earlier, a significant change in the culture and practices of this place. If we are to have such a change, it seems to me that to get back to the level playing field that I referred to earlier, we should make it standard.

Would the Leader of the Government in the Senate then support a change in the Senate administrative rules to include provision for staffers whose job it is to snoop into the work business of other senators?

Senator LeBreton: That is a very foolish and silly question. Of course I would not support such a change. I have already expressed great confidence in the officers and staff of the Senate. I do not support people snooping into the personal affairs of any senator, and I do not believe that that was the intent of the member of my staff.

The issue here, in my view, is that taxpayers' dollars were spent on a committee travelling to Dubai when they knew that their destination, Afghanistan, was not possible. Obviously, these documents are now before the Finance Committee and the Internal Economy Committee, and I think the public and the Senate have a right to know whether this trip was a prudent use of taxpayers' hard-earned dollars.

[English]

Senator Kenny: See you Monday, Marjory.

• (0940)

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that, when we proceed to Government Business, the Senate will address the items beginning with Item No. 1 under "Reports of Committees" followed by the other items in the order in which they stand on the Order Paper.

[English]

FEDERAL ACCOUNTABILITY BILL

REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Comeau, for the adoption of the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, with amendments and observations), presented in the Senate on October 26, 2006;

And on the motion in amendment by the Honourable Senator Milne, seconded by the Honourable Senator Cook, that the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs be not now adopted but that it be amended at amendment No.146(a), by adding, in the French version, after the word "Commission," the following:

"ou le renouvellement de son mandat,".

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, like those who have preceded me in this debate, I begin by congratulating all the members of this committee. They were handed an impossibly difficult job to which they devoted long hours and enormous physical and intellectual energy. They all worked wonderfully well. They did not all agree on all items in the report but I think that this was one of our shining moments as an institution.

This bill is of mind-boggling complexity. It is absolutely extraordinary. It could easily have been brought to us as five bills, and even each of those five bills would have been complex pieces of legislation.

For the members of the committee to have tackled this bill as seriously and as strenuously as they did and to do such fine work, under very able chairmanship, as I can testify, having attended some of the committee meetings myself, is extraordinary, and the efforts put forth by all of the staff humble me. I simply cannot imagine how they survived this extraordinary effort. I want to give all of them my most heartfelt congratulations.

There are only three elements here that I would like to address in my remarks to the chamber this morning. The first is in response to the serious and thoughtful comments by Senator Nolin the other day. Senator Nolin made a very reasoned argument about the proper job of the Senate and whether the committee had exceeded what he thought to be the proper job of the Senate.

I listened to his remarks with care, and then I reread them last night with care, partly because I listen to almost anything he says with care but also because I thought the argument was important. I came to the conclusion that I do not, in fact, agree with him. As I contemplate the amendments that the committee made to this bill, they are a fine example of the Senate doing what the Senate is supposed to do. Some of the amendments were technical. The Senate does this kind of thing all the time. It catches technical errors in legislation sent to us from the other place, or presented to us as drafted by lawyers in the vast bureaucracy of this capital. We are expected to correct technical errors, and we do it very well.

However, that is not all that we are expected to do. We are, in my view, and probably in the view of most senators, also expected to contemplate legislation that comes before us and hold it up to certain fundamental standards and principles, some of which are obvious. We are always concerned with whether a piece of legislation is, in the view of the members of this chamber, in conformity with the Charter of Rights and Freedoms. The lawyers who drafted the legislation always say that it is, but sometimes they are wrong. I have learned that to my own chagrin.

I can remember, in particular, supporting a piece of legislation vigorously on the faith of these lawyers who had assured us that it was in conformity with the Charter of Rights and Freedoms. Senator Joyal and Senator Grafstein told me that I was wrong. I said that they were wrong. The Supreme Court said that they were right, and the lawyers on whose advice I had been counting were wrong. That taught me that no matter how hard the civil servants assure us that something is right, we need to exercise independent judgement about it.

We also, I believe, spend a fair amount of our time — I will use lay language here, and if it sounds like legal language please understand that I do not mean it to be legal language — contemplating legislation to see if it abides by what we consider to be principles of fundamental justice and/or simple common sense. That is a large part of what the committee did in the various amendments that it brought to this bill. Some of those amendments were, indeed, of significant substance, but all of them, to the extent that I understand them, and I have tried to understand as many of them as I possibly could without actually having participated in the committee, do go back to a basic principle of fairness and/or of common sense.

On those grounds, therefore, I believe that the committee did do what the Senate is supposed to do. We are not supposed simply to contemplate government policy and say, "Yes, the government wants this, so we can only tinker with the details." There would not be much point in having a Senate if that were all that we were supposed to do.

My further remarks will be concerned with the system of the Senate Ethics Officer and the new ethics commissioner proposed in this bill, and the system that the Parliament of Canada has devised for governing ethical matters and conflicts of interest.

The committee, like the Senate itself in previous attacks on this particular subject, separated out the Senate Ethics Officer to provide that this chamber should continue to have its own Senate Ethics Officer. That has not been well received by the government and by its spokespeople, but as I have listened to the arguments advanced against having our own Senate Ethics Officer, I have not heard one of substance. All that I have heard is a sort of indication that it is inherently obvious that if senators want a separate ethics officer, there must be something wrong with that. It is inherently suspect because the Senate is suggesting it, and, therefore, self-evidently wrong.

Honourable senators, it is not self-evidently wrong, and as Senator Joyal pointed out the other day, we did not invent anything when we chose to abide by this principle in saying that the two chambers of Parliament should have separate ethics officers. We abided by the system that exists in the United States Congress, in the Parliament of Westminster, in the Parliament of Australia, and for all I know in others, but those are the three parliamentary institutions with which we most often compare ourselves. In all three of them and, as Senator Joyal reminded us, in the Constitution of the United States, it is firmly set out that the two chambers handle these things separately because the two chambers are separate. They have their own traditions, rules, practices and systems of governing themselves, including matters of ethics and conflicts of interest. It is no secret that most of us who have ever contemplated the subject in this place believe that the House of Commons should also have its own ethics system and should not be lumped in with other public office-holders, but it is not our job to tell the House of Commons how to order themselves, any more than it is their job to tell us how to order ourselves.

I want to put that on the record. There is nothing new, revolutionary or inherently wrong. On the contrary, it is profoundly obedient to the basic principles of bicameral systems for the two chambers to have separate systems.

Next, I would like to address one of the amendments in particular that was made to the bill that I believe is very important. As the bill was originally written, the Ethics Commissioner would receive complaints and provide a report on those complaints, and I quote from the original text of the bill:

...even if the Commissioner determines that the request was frivolous or vexatious or was made in bad faith or the examination of the matter was discontinued...

— because it was groundless and did not merit further pursuit.

• (0950)

With respect to the report that the commissioner provided on groundless and vexatious complaints or those made in bad faith, such a report would have had to be provided to the Prime Minister — one wonders why — and made public.

Can you imagine, honourable senators? Some poor soul is the subject of a complaint that is made vexatiously or frivolously or in bad faith, or perhaps in good faith, but that turns out to be absolutely groundless. Even so, the report is to be made public and indeed go to the Prime Minister. One wonders why it goes to the Prime Minister in particular. That means any Prime Minister of any party. This bill is not designed to last for the duration of only one government.

Imagine, poor you. You have been found blameless by the commissioner, but your name will be dragged through the mud anyway. When mud is flung, some of it sticks, always. There will always be some people who say that where there was smoke, there must have been some fire, even if the person has been whitewashed by the commissioner. We have seen examples of that kind of thing.

The committee made, in my view, an absolutely excellent amendment. The committee's amendment states that if the commissioner determines that the request for an investigation was frivolous or vexatious, or was made in bad faith, or the examination of the matter was discontinued, the commissioner shall complete a report but shall provide that report only to the member of Parliament who made the request and the public office-holder or former public office-holder who is the subject of the request. The commissioner shall not make the report available to the public or to the Prime Minister. In other words, there would be some protection against groundless mudslinging.

It was suggested that some people who have been the object of frivolous, vexatious or bad faith complaints may wish to make the report public because the complaint might have been made public. That person would obviously want to say, "The highest authority in the land in charge of these matters has examined the case, has determined that there is nothing to this complaint, and I have been exonerated."

This amendment would allow that person to do that. This amendment says that the commissioner shall not make the report public, but obviously if you are the person who has been exonerated, you could still make the report public because nothing here would prevent you from doing so.

Similarly, if there is any need for the Prime Minister to know that you have been exonerated, you could send a report to the Prime Minister to say, "I have been exonerated."

Another observation was that the reason for having the commissioner make reports to the Prime Minister was so that the Prime Minister could seek advice from the commissioner, particularly in the case of people who are under consideration for appointment to significant positions of public office. However, nothing in the bill as amended would prevent that because the committee has specifically retained, and indeed has expanded, a clause that allows the commissioner to provide advice to the Prime Minister, including on the request of the Prime Minister, with respect to the application of this act to individual public office-holders.

Therefore, the Prime Minister would remain completely free to turn to the commissioner and say, for example, "I want to appoint Jane Blogs to be the Privacy Commissioner. She has these corporate affiliations. Do you think they would conflict with the position of Commissioner of Privacy?" The Ethics Commissioner could say, "This one is a conflict but that one is not. This charitable thing is fine, but the business over here about direct sales is not." The Prime Minister would be absolutely free to seek advice.

I only want another couple of minutes, if I might seek leave.

The Hon. the Speaker *pro tempore*: The honourable senator is asking for more time.

Senator Comeau: We will agree to five minutes.

Senator Fraser: Thank you, honourable senators.

The point is that it is essential for the commissioner to be free to make inquiries when complaints are lodged. It is essential that the commissioner be free to give advice to the Prime Minister when that is appropriate.

It is essential also, however, that the privacy and the good name and the reputation of those against whom complaints are made be protected unless and until it is known that a complaint is worth investigating and that there are sufficient grounds for a full investigation to be conducted. At that point, the public would be informed. That is appropriate. Otherwise, no one should be subject to public tarring over complaints that are vexatious, frivolous or made in bad faith.

I would like to commend the committee for its excellent work on this particular element. I think it has strengthened the bill and the system very significantly.

The Hon. the Speaker *pro tempore*: Continuing debate?

Hon. Joseph A. Day: Honourable senators, my understanding is that Senator Mercer was to continue the debate today, but for some reason he has not yet arrived. I checked outside, and I did not see him near the chamber.

I know he has prepared a speech and that he may have amendments to propose, which would be appropriately proposed at this stage if indeed he decides to do so. Therefore, I would ask the indulgence of honourable senators and that the debate be adjourned in the name of Senator Mercer.

On motion of Senator Day, for Senator Mercer, debate adjourned.

PUBLIC HEALTH AGENCY OF CANADA BILL

THIRD READING

Hon. Wilbert J. Keon moved third reading of Bill C-5, respecting the establishment of the Public Health Agency of Canada and amending certain Acts.

He said: Honourable senators, both the other place and the Senate have had an opportunity to discuss elements of this bill. I am pleased to see the strong support of both Houses of Parliament for this legislation, which will provide the stability and authority that the proposed public health agency of Canada and the chief public health officer need to help protect and promote the health of all Canadians.

I feel it is also important, honourable senators, to underline the strong cooperation between the various parties in both Houses on this legislation. They showed strong support for the principles of this legislation and have cooperated to ensure quick passage through Parliament.

Clearly, we all recognize the urgent need for a federal focal point for pan-Canadian cooperation and collaboration in public health to ensure the government's continued ability to protect and promote the health of Canadians.

I would also like to underline the contribution of the Standing Senate Committee on Social Affairs, Science and Technology, chaired by Senator Kirby, with respect to the discussions on the renewal and reform of health protection and promotion in Canada.

• (1000)

Specifically, I would like to commend the Standing Senate Committee on Social Affairs, Science and Technology on their development of recommendations that informed this legislation. The 2003 report of the committee was on several expert reports considered in the process of developing this bill, and its recommendations remain influential in the ongoing process of public health renewal. This report is a concrete example of value added by the Senate to the public policy development process.

Honourable senators, once again I would like to outline briefly what Bill C-5 does and why it is so important that it be passed quickly.

The bill does three important things. It gives legislative sanctions to the agency, establishes the role and powers of the chief public health officer and includes specific regulatory authorities for the collection, management and protection of health information. By establishing the agency as a separate departmental entity within the health portfolio, the legislation will give greater prominence and visibility to public health issues, while at the same time supporting policy cooperation and coherence across the health sector.

Honourable senators, some stakeholders expressed a preference for a more independent agency. Their views received careful consideration. However, public health issues are extremely complex. For example, addressing a public health emergency requires coordination, not only within the health portfolio but with other federal departments, provincial health ministries and municipal and local health authorities.

Given this complexity and the immediacy of potential public health threats such as pandemic influenza and the increasing burden on our health costs by chronic diseases, it is crucial that the agency be integrated as a key player within the federal system. As a departmental entity, the agency will be a key player that will be able to influence the policy-making process directly and to play this important coordinating role.

Honourable senators, the legislation also sets out a unique dual role of the chief public health officer. As the deputy head of the agency, the CPHO will be accountable to the minister for the management of the agency and will be the lead adviser on public health. At the same time, as Canada's lead public health professional, the CPHO will be a trusted and credible spokesman on public health issues with the legislative authority to communicate directly with Canadians on public health, based on a clear understanding of the evidence.

The legislation will also require the CPHO to submit to the Minister of Health, for tabling in Parliament, an annual report on the state of public health in Canada. Honourable senators, this direct accountability to Canadians is an extremely important aspect of the role of the CPHO.

Finally, this bill includes a clear regulatory-making authority for the collection, analysis, interpretation, publication, distribution and protection of public health information. Honourable senators, this authority will give provinces and territories the necessary assurances that they can share public health information with the agency in accordance with their own privacy legislation. This authority is needed in the event that we are faced with a public health emergency such as a pandemic.

I want to outline briefly the important role the federal government plays in public health in Canada. Honourable senators, for more than a century the federal government has played an important role in protecting and promoting the health of Canadians. This role has its roots in our constitutional authority for quarantine at Canada's borders, and has evolved to include coordination of preparation and response to infectious disease outbreaks.

More recently, as Canadians have increasingly called upon the federal government to take action on health issues of national interest, we have also acted to address HIV/AIDS, chronic diseases such as heart disease and cancer, and programs and activities promoting good health such as early childhood development, physical activity and community action on health.

Following the outbreak of severe acute respiratory syndrome, SARS, in 2003, expert reports from the provinces and territories and stakeholder groups called for a federal focal point with appropriate authority and capacity to work with them in preparing for and addressing public health emergencies. This legislation responds to these calls by providing a statutory foundation for the agency, giving it the legislative footing from which to continue playing this existing federal role, and making its unique contribution to the renewal of public health in Canada. It is important to note that this bill does not expand the existing role in public health.

In providing a statutory footing for the agency, this legislation simply continues the strong tradition of collaboration and coordination that has been Canada's approach to public health for decades.

For example, the agency has worked with provincial and territorial authorities to establish the pan-Canadian public health network as a forum for multilateral intergovernmental collaboration on public health issues that respect jurisdictional

responsibilities in public health. The network represents a new form of federal-provincial-territorial collaboration on public health matters.

International public health cooperation is a crucial area in which the proposed public health agency of Canada will bring added value to public health in Canada. As the federal focal point, the agency can link into worldwide efforts in public health and with institutions such as the World Health Organization so that best practices can be applied in Canadian settings. The agency is also the primary mechanism through which Canada can work on a government-to-government basis with other countries such as the U.S. to address health issues, including the management of any public health emergency.

As you can see, the federal government has a well-established leader role in public health, working in collaboration with provinces, territories, municipalities and international bodies. Further, the federal government provides unique contribution to public health, and that contribution supports efforts in other jurisdictions. The federal government brings clear added value to public health.

I have already mentioned the pan-Canadian public health network, and the support provided for the creation of a forum on multilateral intergovernmental collaboration on public health matters that respects jurisdictional responsibilities in public health.

Another example is the National Microbiology Laboratory in Winnipeg, Canada's only level 4 lab. The federal government makes this and other specialized facilities available to the provinces and territories to strengthen diagnostic capabilities.

Honourable senators, it is important to note that the provinces and territories have worked together with the federal government for decades to protect and enhance the health of Canadians. Bill C-5 simply represents a new phase of this historical collaboration. Not only does this bill respect jurisdictional responsibilities in public health, but the bill actually responds to provincial and territorial calls for a federal focal point with appropriate authority and capacity to work with provinces and territories in preparing for and addressing health emergencies.

Provinces and territories are looking increasingly for federal assistance in a range of public health activities as they recognize that the federal government brings to the table a range of assets that support and complement local efforts.

Honourable senators, I support this important piece of legislation and I would like to thank this house for its support and congratulate senators on the constructive and cooperative spirit that has prevailed in dealing with this bill.

Honourable senators, a review of the debate of Bill C-5 by the Standing Senate Committee on Social Affairs, Science and Technology shows that concerns were raised by the Inuit and First Nations people. To deal with these concerns, a number of observations were added; hence the bill was passed without amendment but with observations. To further deal with the concerns of the First Nations and Inuit people, the committee notes that there is no legislative basis for the federal government's role and responsibility for the provision of health services for the First Nations and the Inuit.

The committee wants the government to work collaboratively with First Nations and the Inuit in the development of a First Nations and Inuit public health act and other relevant statutes. The committee intends to be seized of this matter in dealing with public health issues that respect the First Nations and the Inuit.

• (1010)

The committee will recall the agency for a full review of their operations after six months in order to determine the extent to which it has implemented these observations and, specifically, to confirm the agency's commitment to the First Nations and Inuit.

Honourable senators, once again, thank you for your support.

Hon. James S. Cowan: Honourable senators, I rise to support my colleague Senator Keon and to commend the committee for the excellent work it has done in reviewing this bill, which was introduced in the previous Parliament and then died on the Order Paper. This government is to be commended for reintroducing the legislation.

The committee heard evidence with respect to our First Nations and Inuit people. Apparently that is something that was not brought to the attention of legislators before. Once again, this points to the value that this house brings to our legislative process.

On behalf of colleagues on this side of the house, we are pleased to offer our support for this legislation.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

[Translation]

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF COMMITTEE ON SUBJECT MATTER—DEBATE CONTINUED

On the Order:

Resuming debate on the first report of the Special Senate Committee on Senate Reform, which deals with the subject matter of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure). (*Tabled in the Senate on October 26, 2006*)

Hon. Maria Chaput: Honourable senators, as a member of the Special Senate Committee on Senate Reform, I have an obligation to take part in this debate here today at second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

In 1867, the founders of Canada wanted a Parliament that could respect the will of the majority of the Canadian population and could also protect the interests of the regions and the minorities. The reality in 2006 puts parliamentary reform in the forefront and the Senate is an important link in the legislative process.

[Senator Keon]

Government Bill S-4 seeks to limit the term of office of senators to eight years. Personally, I have always believed that a task carried out conscientiously is completed within a well-defined period and with a specific mandate. Although I do not have any problems in principle with fixed terms of office, I must say, quite frankly, that I have many concerns about this bill because it deals precisely with the Senate, its purpose and its role.

First of all, I believe — as do many of our witnesses — in a progressive approach and in the underlying principle of the legislation, which is to establish a fixed term of office. In the eyes of Canadians, this has the potential to get the ball rolling on reform of the upper house and to breathe new life into the institution.

However, before expressing my own more specific views on the bill, I would like to share with you the principles and premises behind my reasoning, my understanding of the government's intentions with this bill, some expert opinions and the testimony of witnesses who appeared before our committee.

Our honourable colleague, Senator Michael Pitfield, warns us in the foreword to *Protecting Canadian Democracy: The Senate You Never Knew*, by our colleague, the Honourable Serge Joyal, that:

The proper study of Senate reform inevitably gives rise to important issues that touch many of the core principles and values that inspire the whole Canadian constitutional framework....Despite all the discussions about Senate reform, few proposals seem to have thoroughly assessed the role and function of the Upper Chamber in our modern federal system of government, which is so ingeniously complex, centered as it is now on the constitutional guarantee of personal rights and freedoms, dual linguistic equality, the recognition of aboriginal status, entrenched regional identities, and strong provincial governments.

I do not need to praise Senator Pitfield's lengthy experience in public administration here. Let me just say that these words come from a former chief public servant and were written in the spirit of non-partisanship. I share Senator Pitfield's point of view, which reminds us of what the founders of Canada intended when our Parliament was created. The upper chamber had its purpose. In my opinion, it still has its purpose, and the fundamental character of the Senate cannot be changed.

That said, the current government is proposing to change the tenure of members of the Senate, the first step in Senate reform. I support this idea. But we must be careful. Eight-year terms for senators are not long enough, considering what is expected of them. Senators ask questions, listen, analyze, discuss and report on issues that are critical to millions of Canadians. This sort of work can only be done when members of the upper chamber have a number of years ahead of them to delve into issues of concern to the citizens of our country. This is corroborated by Ned Franks, professor emeritus at Queen's University, who, when he appeared before the Special Committee on Senate Reform, recognized the importance of the work the Senate does in providing sober second thought.

We must not forget what characterizes the Senate, what makes the Senate different from the House of Commons. Janet Ajzenstat, Professor Emeritus at McMaster University, who appeared before the committee as well, reminded us in *Protecting Canadian Democracy* that “senators should ensure the independence of the Senate from the Crown and also set it apart from the lower chamber.” She also reminded us that George Brown said, “We wanted to make the Senate a perfectly independent body” and that Sir John A. Macdonald said:

What would be the use in having a Senate, if it did not use, at the appropriate time, its right to reject or amend bills from the lower chamber or to delay their passage?

In his book, our honourable colleague, Senator Joyal, reminds us that representing the interests of minorities is a characteristic of Canadian democracy. In our parliamentary system, the Senate has this responsibility and can influence the dominant will of the majority, represented more specifically by the House of Commons. Again, in his book, Senator Joyal says:

The characteristics of independence, long-term outlook, continuity and stability are critical to the proper functioning of the Senate.

Our honourable colleague goes on to say:

Reducing the length of tenure could hinder the proper functioning of the Senate which, in the words of Sir John A. Macdonald, provides a “sober second thought” on legislation.

Let us come back to Bill S-4 introduced by the Harper government. It addresses only one aspect of Senate reform: the length of a senator's tenure. But what other aspects of this reform does the current government intend to bring forward? How do we respond to the issue of minorities through a democratic process? How do we ensure that the upper house does not become a replica of the House of Commons? How do we preserve the fundamental nature and purpose of the Senate?

It would seem there is no good answer to all these questions, but rather a series of concessions. The Harper government has opted for limited tenure as a necessary starting point and is considering an election process for senators. We, the senators, members of the Senate, are an integral part of the Canadian parliamentary system. It is therefore essential that we make informed decisions on the Senate's specific purpose and mandate and then ensure that its composition and its authority are consistent with its purpose.

Yes, I support the idea of limiting senators' terms because I believe that as long as we have clear goals, we can and must do good work within a fixed period of time. However, in my humble opinion, eight years in the Senate is not enough time to do serious and worthy work, work that does justice to the confidence that citizens have in the members of the upper chamber. Mandates should be at least 10 or 12 years long and be non-renewable. We must give careful consideration to the reforms the government proposes for the Senate as a whole, not piece by piece, as Prime Minister Stephen Harper proposes.

• (1020)

When he appeared before the Special Committee on Senate Reform, Mr. Harper said that Bill S-4 was just a modest move forward. He said:

...we will continue to move forward with further proposals as part of our plan to give Canadians the accountable, democratic institution they desire and deserve.

Honourable senators, this is why Bill S-4 does not have my full support. I agree with fixed terms, but I want a 10-year non-renewable mandate, not an eight-year term.

I support the committee's conclusion that limited terms for Senators can build on existing strengths of the Senate, and help to unlock its unrealized potential. I think we have to be wary of the changes the government may propose if they do not take into account the representation of minorities. The Senate must pay particular attention to this.

I will not support any change that dilutes, in any way, the essential role the Senate plays. In *Protecting Canadian Democracy*, Senator Serge Joyal said that attempts to reform the Senate

...should not serve as the pretence for weakening the constitutional protection of sectional interests and of minority and human rights built into our legislative process.

On motion of Senator Fraser, debate adjourned.

[English]

FISHING INDUSTRY IN NUNAVUT

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Adams calling the attention of the Senate to issues concerning the fishing industry in Nunavut related to the use of fishing royalties, methods of catch, foreign involvement and a proposed audit of Inuit benefit from the fishery.—(Honourable Senator Hubley)

Hon. Elizabeth Hubley: Honourable senators, I started speaking briefly yesterday in support of Senator Adams and the attempts being made by the Inuit people to realize greater economic benefit from the Nunavut turbot fishery.

Honourable senators, the Nunavut turbot fishery currently is worth about \$32 million a year. However, the benefit to the Inuit is less than \$1 million, specifically to the communities of Broughton Island and Pangnirtung on Baffin Island. The value of the Nunavut turbot fishery has grown by 500 per cent since 2000, and allocations have more than quadrupled, yet the Inuit people still benefit only marginally from this lucrative resource.

It is an old, familiar Canadian story, unfortunately; it is the story of fishermen in small communities using traditional methods and technologies, obliged to compete with large, foreign-owned fishing fleets that harvest rather than catch fish. It is a story of hook-and-line and gill nets competing with trawlers.

None of us here should ever forget the slow and methodical destruction of the Atlantic cod fishery as a result of foreign overfishing, and the callous federal policies that chose international trade over the livelihood and welfare of thousands of Newfoundland fishermen and their communities. The destruction of that fishery represents one of the dark marks in our 20th century Canadian history because we could have avoided it. We could have chosen people and their future livelihood over so-called broader-scope, national objectives.

Honourable senators, now we are confronted with another situation involving people and fish, another place and time where the livelihood and economic future of Canadians is being jeopardized by apparent mismanagement, corporate greed and the spectre of overfishing. We should not allow history to repeat itself. Surely it is possible to learn from our past mistakes. We should support the people of Nunavut and defend their right to benefit economically from their own resources, for how else can they hope to build an economic future for themselves?

In preparing myself to speak today, I took a look at the historic land claim agreement reached in 1993 between the Inuit of the Nunavut Settlement Area and the Government of Canada. This agreement clearly sets out certain rights and benefits to the Inuit people. The agreement also established a public institution known as the Nunavut Wildlife Management Board that, in conjunction with the federal Department of Fisheries and Oceans, determines how fish quota is allocated and who receives licences.

Section 5.6.39 of the land claim agreement is entitled "Priority Harvesting by Inuit Organizations" and it says:

...the NWMB shall allocate resources to support the establishment and continued operation of viable economic ventures...designed to benefit Inuit.

Section 5.6.45 further states:

...In the allocation of commercial licences, preference will be given to applications which will likely provide direct benefits to the Nunavut Settlement Area economy, in particular through employment of local human and economic resources.

I understand that this applies to the Nunavut groundfish licence, which was handed over to the Baffin Fisheries Coalition in 1994. In other words, honourable senators, the resources of Nunavut are to be owned and controlled by the Inuit people for their economic benefit. That is the legal intent and spirit of the land claim agreement as I read it.

The Nunavut Wildlife Management Board is guided by these provisions, and they apply specific criteria in the granting of licences and quotas, ostensibly giving priority to applicants adjacent to the resource, including hunters' and trappers' associations, organizations that employ Nunavut residents, especially Inuit, organizations that provide training, and those who have a history in the fishery and uphold the principles of conservation. That is how it is supposed to work.

• (1030)

However, since 2000, the turbot fishery has benefited mainly foreign fishing interests, in particular the Royal Greenland Corporation, which takes about 75 per cent of the current 8,000 tonnes of quota and hauls it off to Greenland to be processed. In June, Senator Rompkey spoke about the problem of absentee ownership of our fishery resource, of people other than Canadians owning the licences and accessing the quotas.

Honourable senators, Prince Edward Island knows something about absentee ownership. For the better part of its colonial history, the island was owned by a group of absentee landlords in Great Britain, and thousands of farmers lived as tenants on the land they had laboured on for generations. The Land Purchase Act of 1875 mercifully put an end to that oppressive system once and for all. The people of my province now own their land, and ever since then the island economy has been fuelled by a prosperous agricultural industry.

Honourable senators, small rural communities need to own and control their primary resources to be prosperous and independent. I believe this ownership is essential to our northern communities where indigenous culture is paramount and slow to change, and where the economic stakes are high. I know that Senator Adams has been working extremely hard to achieve control of resources for the economic prosperity for the Inuit people.

What are the choices? Do we want a foreign-owned or a Canadian-owned fishery? Should we allocate quota to communities and allow them to decide who catches the fish? Are we willing to make a greater national investment in the fishery to help local companies capitalize and compete? Should we take a lesson from the Newfoundland and Labrador cod fishery and ban dragging in the North to protect the fish stocks?

Honourable senators, my own answer to these essential questions is a resounding "yes." Personally, I am doubtful that the present fishing industry in Nunavut meets the requirements of the 1993 land claim agreement. In previous testimony before our Standing Senate Committee on Fisheries and Oceans, Inuit community representatives who have been trying to obtain turbot quota with limited success claimed that the Nunavut Wildlife Management Board criteria were not adhered to and that non-Inuit firms were favoured.

Is it possible that the NWMB has made allocation decisions that are not in the best interests of the Inuit communities, and that Inuit are being systematically excluded from the turbot fishery? If this is true, honourable senators, we must find a way to change the system.

Honourable senators, the federal government must play a key role in addressing this issue through the Minister of Fisheries and Oceans. I encourage him and his officials to meet with the Nunavut government and local organizations to help strike a better deal for the Inuit people.

On motion of Senator Downe, debate adjourned.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO REFER DOCUMENTS
FROM STUDY ON BILL S-39 IN PREVIOUS
PARLIAMENT TO STUDY ON BILL S-3

Hon. Donald H. Oliver, pursuant to notice of November 2, 2006, moved:

That the papers and evidence received and taken and work accomplished by the Standing Senate Committee on Legal and Constitutional Affairs on Bill S-39, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act

during the First Session of the Thirty-eighth Parliament be referred to the Committee for its study on Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Monday, November 6, 2006, at 2 p.m.

THE SENATE OF CANADA PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Friday, November 3, 2006

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 observations			
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications					
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources					
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03							
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs					



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CANADA

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1st SESSION

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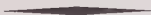
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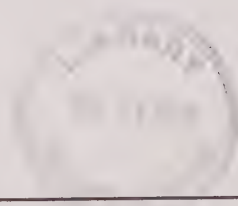
NUMBER 47

OFFICIAL REPORT
(HANSARD)

Monday, November 6, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

Hon. Gerald J. Comeau (Deputy Leader of the Government):
Honourable senators, I ask your indulgence to have a correction made in the *Debates of the Senate* of last Thursday, November 2, 2006, on page 1090, third paragraph. I was either misheard or I misspoke. I will read the sentence:

We treat our colleagues with the best of indifference.

I am quite sure honourable senators will agree with me that what I likely said was, "with the best of deference," which is quite different. I thank my honourable colleague Senator Murray for bringing this matter to my attention. It is a reminder to us that we should read these transcripts rather than letting them go.

It does make quite a bit of difference. Honourable senators, may I have your indulgence and have this corrected?

Hon. Senators: Agreed.

THE SENATE

Monday, November 6, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

COMPUTERS FOR SCHOOLS PROGRAM

Hon. Jane Cordy: Honourable senators, I rise today to speak on the Computers for Schools Program. This program was initiated in Nova Scotia as a Nova Knowledge program in 1993 and was soon adopted by Prime Minister Kim Campbell. It is a unique private-public partnership, which ensures a steady supply of refurbished computers to Canadian schools.

On average, the Computers for Schools Program in Nova Scotia provides 4,000 recycled computers for use in schools, regional libraries and needy not-for-profit organizations each year. Since the program began in 1993, 32,000 computers have been distributed in Nova Scotia and over 800,000 computers have been distributed throughout Canada. This program helps put innovative tools into the hands of young people, including those who might not otherwise have access to technology.

In addition to distributing computers, the program also provides training opportunities for new graduates of IT programs. This hands-on training provides them with valuable experience and most participants go on to successful careers in the information technology field.

This Canadian program is unique in the world, with other countries looking at our model. In fact, several countries now have pilot programs based on Computers for Schools.

While the program is called Computers for Schools, it accomplishes so much more. Computers for Schools is a strong supporter of social integration for disadvantaged youth. There are eight workshops dedicated to Aboriginal youth in the field of computer refurbishing. There are two workshop programs for children at risk and there are two workshops located within federal penitentiaries as part of rehabilitation programs for inmates. In addition, Computers for Schools has diverted more than 52 million pounds of electronic waste from landfills since it began.

• (1405)

Honourable senators, this is a good news story. It represents an accomplishment that Canada can be proud of. It is an example of what government, business and individual Canadians can accomplish when they work together.

Unfortunately, honourable senators, this Conservative government has determined that as of March 31, 2007, they will no longer fund this program; a program that has won national and international acclaim, helped countless people and managed to reduce electronic waste destined for landfills. People familiar

with the good work that has been done by Computers for Schools — and I am part of that group — are somewhat puzzled that the present government would contemplate cancelling such a successful program when they have a \$13 billion surplus.

DIVERSITY IN THE WORKPLACE

Hon. Donald H. Oliver: Honourable senators, I rise today to call your attention to the importance of diversity in our workplace. The Public Service Commission's 2005-06 annual report, which was just released, examines in detail the efforts made to recruit visible minorities at all organizational levels here in the Canadian public service.

Honourable senators, there are more than 200,000 members of the Public Service of Canada but there are too few visible minorities. As you are aware, more than 20 years ago the Government of Canada determined that there were four groups of Canadians who needed special measures in order that they could be treated equally in Canadian society, and in the public service in particular. The four employment categories are: women, persons with disabilities, Aboriginal peoples and, fourth, visible minorities.

You should know that the 2005-06 annual report of the Public Service Commission of Canada found that, overall, the composition of the public service reflects the workplace availability for three of the four employment equity groups, namely, women, persons with disabilities and Aboriginal people, but there has been the usual consistent and distressing failure in the promotion and representation of visible minorities in the Public Service of Canada.

Yes, there has been an increase in the number of visible minorities in the public service. However, as of March 31, 2005, they represent only 8.1 per cent despite their workforce availability of 10.4 per cent. The Public Service Commission states in their report that they have been monitoring the appointment of visible minorities in the EX group and remain concerned about the consistent gap in the representation of visible minorities in the executive cadre.

The report says, and I quote:

PSC is studying the barriers to better understand and address the gap between application and appointment rates for visible minorities.

Honourable senators, do you not think that we have spent enough time studying the problem of systemic barriers to visible minorities in the public service, and that now is the time for action?

A good note is the work done by Madame Barrados, the President of the Public Service Commission of Canada. She instituted recently an EX-01 competition for members of visible minority groups, in particular the qualifications of the 41 successful individuals who applied and were accepted. Specifically, a pool of 41 pre-qualified visible minority

executives at the EX-01 level was established on February 28, 2006. Twelve of the candidates have the CBC language requirements for executives. As of today, all but 11 of those visible minorities have found a place in government departments at the executive level. This is some movement of a positive nature, but we need still more.

Honourable senators, I have to ask, when was the last time that you had appear before you in your various committees a deputy minister or an ADM, for that matter, who was a visible minority? It is time that the Public Service of Canada mirrored the mosaic of our country. The day that our senior or executive branch of the Public Service of Canada resembles the face of today's downtown Toronto is the day that we will know that we have true diversity.

I have been speaking out strongly against racism and systemic barriers for some 17 years. My lone voice in the wilderness is really not getting anywhere. I call upon all honourable senators to join me in this fight to bring about equality in the workplace for all Canadians, irrespective of their colour.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

FUNDING FOR LITERACY PROGRAMS

Hon. Joyce Fairbairn: Honourable senators, literally I have just blown in from the fog of Southern Alberta and Calgary.

• (1410)

I was there to speak at the annual meeting of literacy groups in Alberta. In the last few weeks, I have mentioned that those involved were concerned they might not be able to have this event because they had not yet received the funding they requested from the government.

They were pleased that we are talking about this in both Houses of Parliament. They were pleased to learn from a phone call last week that the Department of Human Resources would look at their proposals. When the cuts were made, it looked as though the funding would be stopped. It has been made clear to them that their proposals are being studied. I hope that they will be approved so that they can carry on with their work.

There were many learners at the meeting; some very young and some middle aged. Some of them have been at it for a long time and are now helping others. They have all been very worried.

When I arrived at my office today, I received a message from a man who has been learning to read. He asked if he could send a message to me saying that he was encouraged to know that I am working on this issue here in Ottawa. His message was, "Please tell her I will try harder to read, and I am curious to learn about a lot of other things, too."

I mention this only to emphasize the importance for the Government of Canada, the provinces and all other levels to help the adults who have not had the opportunity to learn to read, for whatever reason, during their lifetime. They should not be put aside as waste or something unnecessary, with the money being used for other things.

Honourable senators, there is a spirit of hope out there and it is up to us to keep that spirit strong in every province and territory in this country. People must have the opportunity to learn.

[Translation]

AID TO COMMUNITY GROUPS TO COMBAT VIOLENCE AMONG URBAN YOUTH

Hon. Jean-Claude Rivest: Honourable senators, I would like to draw your attention to the problem of violence among youth, particularly in urban areas. Like many Canadians, I am worried to see that the new government is talking only about repressive solutions, such as strengthening laws.

I have always been opposed to reforming the Young Offenders Act to put people as young as 12 or 14 in prison, as the government has done. I think that demonstrates a very bad attitude.

This morning, I was very pleased to learn that the Minister of Public Safety, the hon. Stockwell Day, and his colleague from Quebec were in Montreal today to announce \$10 million in funding for community groups. This funding is part of the \$50 million envelope available for the whole country.

Honourable senators, it is our responsibility to state clearly that the real and permanent solution to urban public safety problems — especially with respect to young criminals and street gangs — looks a lot more like the action taken by the Minister of Public Safety this morning, that is, funding community groups, especially in poorer city neighbourhoods. I think this is a very promising approach.

I would ask the government to provide more funding to help community groups in order to reduce urban youth crime, thereby making all Canadians safer.

• (1415)

Providing assistance to community groups offers much more promise and is much more important than simply making criminal laws more severe or taking an approach that advocates repression. Instead, what is needed is assistance and understanding of this extremely serious social phenomenon that is occurring in our country.

[English]

REVENGE OF GAINER THE GOPHER

Hon. John G. Bryden: Honourable senators, I want to follow up on something that occurred last week in the chamber during Senators' Statements, and take a moment to recognize when credit is due. I am speaking about the revenge of the green gopher that occurred yesterday in Calgary. Being sort of an underdog and coming from an underdog province myself, I kind of hope that the green gopher does the same thing to the B.C. Lions!

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, as an Albertan, on behalf of those here, and in particular to Senator Tkachuk and Senator Merchant — and I saw Senator Andreychuk earlier — congratulations on a lucky win against the Stampede, even in the absence of Gainer the Gopher. I wish you all the best in the finals.

Senator Comeau: Do not mess with gophers!

Senator Stratton: It was the gopher that did it.

[Translation]

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO EXTEND WEDNESDAY SITTING AND AUTHORIZE COMMITTEES TO MEET DURING THE SITTING

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting, I will move:

That, notwithstanding the Order of the Senate of April 6, 2006, when the Senate sits on Wednesday, November 8, 2006, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, November 8, 2006, be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-9, to amend the Criminal Code (conditional sentence of imprisonment).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1420)

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

SECOND PART, 2006 ORDINARY SESSION OF PARLIAMENTARY ASSEMBLY OF COUNCIL OF EUROPE

APRIL 10-13, 2006—REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation to the

Canada-Europe Parliamentary Association on the second part of the 2006 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, from April 10 to 13, 2006.

QUESTION PERIOD

THE SENATE

OFFICE OF LEADER OF THE GOVERNMENT— MEDIA LEAK ON NATIONAL SECURITY AND DEFENCE COMMITTEE TRIP TO DUBAI

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Returning to matters that we had on our minds last week in Question Period, upon reflection and an opportunity to review the electronic correspondence between her office and the hotel in Dubai, has she reconsidered her position, had a discussion with her staff member and determined whether or not he was the source of information that became public, either indirectly or directly, that was reported on October 18?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question.

The honourable senator has caused me to lose a bet. I bet with staff members in my office that the honourable senator would not ask these questions again today. Now I will have to pay up.

I have had an opportunity to look at the documents that Senator Banks tabled in this place last Thursday. In no way was personal information such as phone numbers or any other like information sought, nor was it given, and I do not believe any member of my staff was the source of the leaks.

Senator Hays: As a supplementary, can the Leader of the Government confirm that she is still of the view that that is an appropriate thing for senators' staff to do, namely make these inquiries which may or may not turn up personal information?

In the exchange of correspondence that I have had, and from what I have seen posted on the Canadian Taxpayers Association website, there is personal information included, but as the honourable leader said a moment ago, she does not believe her staff was the source of that information.

However, is it still her view that that is an appropriate task for a member of her staff?

Senator LeBreton: In answer to the honourable senator's question about personal information, I have not gone on to the website to which he referred. They may have a source of information that has not been the subject of the discussions here, because clearly the documents that Senator Banks tabled last Thursday confirmed what I have said all along, that I do not believe that a member of my staff sought or received personal information.

With regard to the second part of the honourable senator's question, I do not have people on my staff working on particular activities of senators. In this case, as I pointed out last week, some members of my staff work on various committees, and this was the subject of some debate in the public domain, but I do not believe that any member of my staff acted inappropriately.

Hon. Joan Fraser (Deputy Leader of the Opposition): I have a question for the Leader of the Government in the Senate. The minister just now repeated a suggestion that she made several times on Friday. The implication is that Mr. Kroeker was making his inquiries of the hotel in Dubai because, if I may quote the words of the honourable leader on Friday "the issue was in the news."

We know that at some time before October 10, Mr. Kroeker requested an invoice with expenses concerning the committee's stay at the Dubai Renaissance Hotel. We know that he requested it before October 10, because that is when he received it. We know that he further requested more information on October 16. However, the first media reports were on October 17, more than one week after Mr. Kroeker's first request for information from the hotel. Could the leader explain this sequence of events?

• (1425)

Senator LeBreton: I have not followed the chronology of when the various stories about the Senate appeared in the media. As I said last Friday, there is a simple reality: The issue is the committee travelling to Dubai in the first place. All of these unpleasant stories could have been avoided if the committee had listened to the Chief of Defence Staff before they left Canada and had decided in their wisdom that it was not appropriate to carry on with their trip to Dubai in the first place.

Senator Fraser: With respect, minister, I do not think that is the issue. Forget Afghanistan for a moment. The trip to Dubai had been planned for months and had been approved by the relevant subcommittee of the Internal Economy Committee and by the full Senate.

In Dubai, the committee did work that is likely to be of benefit to Canadians. They investigated some serious matters, including the operation of a Dubai company that is investing in Canada and has been the subject of considerable controversy in the United States on security grounds. This is surely a legitimate matter for committee inquiry.

The issue is not whether that trip should have been authorized. The issue is: What was the appropriate way for the Senate to inquire after the fact — if the Senate believed that should be done — into the appropriate spending of public money? The Internal Economy Committee did take another look at this matter last week.

Why then, before there had been any media news reports, before the topic was in the news, did the leader's office deem it necessary to take upon itself to make inquiries into a matter that is the purview not of any senator's office but of the Internal Economy Committee and the Senate finance administration?

Senator LeBreton: Honourable senators, as discussed last Friday, the matter is before the Internal Economy Committee. Again, this most certainly could have been avoided. If the

honourable senator reads last June's Hansard, it indicates that the whole trip was predicated on the committee getting into Afghanistan, and while on the way, it would also go to London, Rotterdam and Dubai. The committee was made aware before it left Canada that it could not go into Afghanistan. Obviously, they knew that the trip to Dubai was, I believe, for one meeting. The prudent and sensible action at the time that would have avoided all of these stories would have been for the chair of the committee to inform the members of the committee that because they could not get into Afghanistan, the Dubai portion should be removed from the trip. That is all that was required.

I am not aware of the complete chronology of when the various news stories appeared about certain members of the Senate and I am not aware of the other activities. I have seen in the media some of the comments of the Canadian Taxpayers Federation. Although I should not speculate, perhaps they had sources of information, but I do not know that for certain. As far as I am concerned, this whole issue arose because a committee decided to do something they were advised against doing.

• (1430)

If they are looking for people to blame for this, perhaps they should have a look in the mirror and look at who is looking back at them.

Senator Fraser: I appreciate that the minister seems not to wish to answer my question. I will refresh her memory about the chronology, and perhaps tomorrow she could return with an answer.

The chronology is that the first request from the minister's office went to the hotel more than a week before the first news story appeared. The second request, and the information received in response, came one day before the first media report appeared. The leader does not have to answer today; she has made it very clear that she does not wish to do so. I would hope that she will do so tomorrow.

Senator LeBreton: Senator Fraser, I do not believe that a member of my staff leaked this to the media. The media are very resourceful; they have their own ways of getting information. I certainly did not have any discussions with the media about this issue. The media are always asking questions about many things and, often in the interests of everyone in this place, I do not choose to answer. That is the best advice when you do not want to get involved in a media story. I was not involved in it myself. When I am asked questions on various matters, I choose not to respond.

The fact is that I do not believe a member of my staff is responsible for the leak. The media, as I said, have their own resources. It is similar to the question of what came first, the chicken or the egg? I will not get into it because I have no knowledge, except to say that I do not believe that a member of my staff was involved in the media leak.

Hon. James S. Cowan: Honourable senators, last Friday, our colleague and my good friend Senator Oliver reported on his leadership of a trade mission sponsored by ACOA the previous weekend in Florida. Having had the honour to lead such a mission to Chicago myself last September, I share his appreciation of the value of such initiatives.

My question is for the Leader of the Government in the Senate. Would the honourable senator agree it would be appropriate for a member of my staff, without consulting Senator Oliver, to ask where Senator Oliver stayed while leading the mission? Would it be appropriate for a member of my staff to ask for a detailed copy of his hotel bill, which, of course, is paid from public funds? If not, why not?

Senator LeBreton: Honourable senators, I thank the honourable senator for the question. I do not believe a member of my staff asked for personal detailed information about the particular account of any one particular senator.

As I said, last week in response to a similar question, I do not believe that people should be looking for personal information on people's hotel bills. According to the documents — I am only going by the documents that Senator Banks tabled — this information was not sought, nor was it provided. That is all I can say.

We are all responsible to the public for our actions. I am very confident in my own actions. I believe that we are all publicly accountable. I reiterate that I do not believe a member of my staff sought out personal information on any senator; nor, according to the documents that were tabled in the Senate last Thursday, was any given.

Senator Cowan: Is the leader saying that it would be inappropriate for a member of a senator's staff, or a senator himself or herself, to request detailed information about another senator's hotel bill without going through the usual procedures of the Internal Economy Committee? Is that her position?

Senator LeBreton: Honourable senators, I actually did not get much of a question out of that. The fact is that every senator that travels on Senate business charges it to the Senate. The matter is referred to the finance division of the Senate, and the bills get paid. I am quite certain that most senators who purchase or use personal items when they are in various hotels pay for them themselves. Those costs would not be part of the record sent to the Senate to be paid.

• (1435)

Hon. Tommy Banks: Honourable senators, I am a great admirer of talent. I have to inquire of Senator LeBreton as to where she took her lessons. I have never seen such good tap dancing. It is absolutely terrific.

I had intended to ask the minister a question about something else, but I cannot resist. The minister has just said that she has no knowledge of detailed information having been sought on any particular senator. I will remind the honourable senator again —

The Hon. the Speaker: Order, please. The chair is having a hard time hearing the question. Senator Banks is asking a question.

Senator Banks: As has been reported in Hansard and as has been tabled in this house, there was an email message from Mr. Kroeker in the leader's office who said to the hotel in Dubai:

Dear Amjad:

Thank you so much for sending me the invoice.

I was hoping you could help me with further detail.

First — if possible, could you please send me the invoice for Senator Colin Kenny, his name was not included on the invoice and I believe it might be under a separate invoice.

Second — if possible, can I get detailed breakdowns for each room?

Third — if possible, I note that no lunches or other costs were included on the invoice. Were those included in room charges? If not, would you be able to track down any and all sundry costs associated with the stay?

Thank you,
Jeffrey.

In light of that email, how can the leader possibly say that no such information has been requested? It was asked for by Jeffrey Kroeker, who works in the minister's office. This is not a question or a subject for dispute or under some kind of doubt — this is what he said.

Senator LeBreton: Honourable senators, I can only go by the document that was tabled and the email exchange.

In his questions last week Senator Banks was asking about personal information. Obviously, as I said last week, it is public knowledge that the committee went to Dubai. It is public knowledge that they stayed in the hotel. It is public knowledge that they had a meeting but stayed for the better part of the week, if not the week.

The email exchange is obvious in what it states. This is public money about a public trip that was public knowledge. Unless the honourable senator can prove otherwise, I do not see in that exchange of emails where he asked for personal information.

One of the examples used last week by the honourable senator was personal telephone calls. There is no evidence that that kind of information was asked for. Certainly, there was no evidence that he was given it.

Senator Banks: Honourable senators, I want to make sure I understand this clearly. The leader has said that no personal information was asked for and that that answer is consistent with the words "If not, would you be able to track down any and all sundry costs associated with the stay?" Are those two things reconcilable in the minister's mind?

Senator LeBreton: It would be a question of whether — when the committee was there and incurred costs for its meetings — that is public information.

• (1440)

THE ENVIRONMENT

EFFECT OF EMISSIONS ON WORLD ECONOMY— ABSENCE OF PRIME MINISTER AND MINISTER FROM WORLD CONFERENCES

Hon. Tommy Banks: I have a supplementary question on a different subject.

We are unused to, in the business of ecology and energy in the Standing Senate Committee on Energy, the Environment and Natural Resources — of which committee I have the honour of chairing — hearing people from the economic sector urging more action on behalf of governments in respect of looking after the ecology, but it has become good business.

Last week, one of the world's leading economists, Sir Nicholas Stern, issued a report in which he cast a disparaging forecast for the world's economy. He stated there would be costs in the reductions of economic activity and economic state of health of the world that are more significant than any that have heretofore hit that economy, save matters of world wars and the like.

Could the Leader of the Government in the Senate tell us whether anyone in the government has read the Stern report?

Hon. Marjory LeBreton (Leader of the Government): Now, really, I do not even know how to answer that question. Of course, our colleagues have read the Stern report. It is just typical arrogance on the honourable senator's side to suggest that honourable senators on this side are incapable of reading, or acting upon, a report as important as the Stern report dealing with the environment.

Senator Banks: I just wanted to ensure that someone had read it. In light of having read it, does the Leader of the Government think it is appropriate that the Minister of the Environment and the Prime Minister, whether for good reason or otherwise — have, "offended" would not be too strong a word, — other government leaders by their notable absence? It has been widely noted by those leaders at conferences, one in Nairobi and one in Finland, having to do with questions of ecology and the environment.

Senator LeBreton: With regard to the conference in Nairobi, the first part of the conference, as I understand it, involves officials and the second part involves ministers. Minister Rona Ambrose will participate on behalf of the Government of Canada.

Honourable senators, it seems that if the *Toronto Globe and Mail* offers a theory as to why the Prime Minister cannot attend a meeting, they then run around asking a series of questions and telling stories based on an erroneous article in the *Toronto Globe and Mail*.

The Prime Minister met with European Union leaders in July and will likely be meeting them in the spring. He will be attending many conferences in the next month with world leaders. As he has done at all other conferences in which he has participated, he will acquit himself well.

Senator Banks: That the government will not act on erroneous news reports is very good to hear.

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE— EFFICACY OF GUN REGISTRY

Hon. Terry M. Mercer: Honourable senators, I am tempted to switch the topic of my original question. I wanted to follow up on what Senator Cowan stated about Senator Oliver's expenses. I understand that in a later answer the Leader of the Government confirmed that would be okay. However, I will go back to my original question.

Honourable senators, my question is for the Leader of the Government in the Senate. I was moved the other day when one of the victims of the Dawson College shooting challenged the Prime Minister to a debate on gun control, calling on Stephen Harper to expand the federal Gun Registry instead of abolishing it, as the Conservatives plan to do.

I understand that the Minister of Public Safety, Stockwell Day, has agreed to meet with Mr. Hayder Kadhim, although Mr. Day has stated and continues to state that he will abolish the registry.

I am proud to support Mr. Kadhim in his efforts to make Canada safer and applaud this young man's efforts to start the debate. As such, will the honourable leader stand and tell Canadians that the Gun Registry does not work? Will the honourable senator stand and tell Canadians that Canada's new government will relax gun control laws in the wake of events such as the shootings at Dawson College?

• (1445)

Hon. Marjory LeBreton (Leader of the Government): I will not stand and agree with the honourable senator at all. There is no question that this young gentleman suffered serious injuries at the hands of this madman, and there is not a person in the world, especially in this country, who would not sympathize with what he has gone through. I have great sympathy for the ordeal he has endured.

Minister Day has made an attempt to meet this young man, and the young man's media handler said he did not have time. I think that was on Friday for a meeting today. Minister Day is still attempting to meet him.

We are looking seriously at strengthening the laws in this country so that people who use guns in committing crimes are more seriously penalized. The sad reality in this case is that the individual who perpetrated the crime had legally purchased these guns. The \$2 billion spent on the gun registry probably would have been more wisely spent on better screening devices in the first place so that such a person would not have been in a position to legally obtain these guns.

Senator Mercer: It would appear that the minority Conservative government is trying to scare Canadians into believing that their communities are not safe. Their agenda seems to be based on fear-mongering and is geared toward garnering headlines instead of taking a realistic approach to public safety.

Senator Comeau: Who writes your material?

Senator Mercer: A recent report by the Canadian Centre for Justice Statistics, released on July 21, 2005, analyzes 2004 crime data as reported by the police. This could be a shock to members of the Conservative caucus. These findings show that crime rates have fallen, so the statistics do not support the neo-conservative claims that our streets are becoming more dangerous. We can also see this type of rhetoric when the government talks about dismantling the Gun Registry.

Will the honourable senator accept that, one, the Gun Registry works; two, that it should be expanded, not dismantled; and, three, that this is a proven way to reduce crime and keep Canadians safe?

Senator LeBreton: Many people have been killed by illegal guns coming across the border because the previous government did not put sufficient effort into border security and police work. We need only read the newspapers on a daily basis to know that serious crimes are taking place.

Crime and safety was a big issue for all political parties in the last election campaign. The Liberal Party, the NDP and the Conservative Party all made commitments on this issue to the Canadian public. For one reason or another, the other two parties now seem to have second thoughts, but the Conservative government is committed to dealing with serious crimes and with gun crimes, and making our communities, small and large, safer for Canadian citizens.

Senator Mercer: The Leader of the Government in the Senate has answered a question I did not ask. I did not ask about border safety or illegal guns coming across the border. I asked about the Gun Registry. I asked the honourable leader to admit that the Gun Registry works, that it saves lives and that it makes Canadian streets safer.

Senator Stratton: Tell that to the people of Winnipeg.

Senator LeBreton: There is no evidence that that is the case.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

FUNDING FOR LITERACY PROGRAMS

Hon. Maria Chaput: My question is to the Leader of the Government in the Senate. All across Canada, people are following the debate in the Senate regarding literacy. We receive emails, letters and communications of all kinds because Canadians do care and do want the literacy programs to continue. We do not inflate the numbers in order to make our point. We do not go around alarming people by saying that they will be cut out of the system. They come to us with information because they are worried, just as we are.

• (1450)

The government has labelled literacy programs as poor value for money. Honourable senators, this is untrue. The literacy coalitions have data to prove otherwise. The government has said that they consulted before changing the programs. This is untrue. Literacy partners and literacy coalitions asked to meet with Conservative ministers. They wrote letters and made phone calls. However, they did not receive replies to their invitations, and the phone calls were not returned.

The leader says that she finds it difficult to believe that programs are being cut. Literacy Partners of Manitoba, as an example, has told me that funding for community-based literacy programs usually arrives at the end of March or the beginning of April — that would be of 2006 — but no money as yet has come for the programs. They are hanging on by a thin thread. Some threads are broken. Some programs are gone.

What more do we need in order for the Leader of the Government to believe or have faith in what we have been telling her? We have facts, proof, data and statistics. What more can we do to convince the government that they should re-evaluate their decision?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I do not believe there is any government document anywhere, and I certainly did not say there was, indicating that we labelled this program as “poor value for money.” I have spoken about this matter on many occasions in this chamber, and I think there is now proof. Senator Cochrane, in her speech the other day, spoke of a particular group in Newfoundland and Labrador, and she referred to an article in the Charlottetown *Guardian*, I believe, about a program in Prince Edward Island that had applied for and received funding. Therefore, I would simply say to honourable senators that the government has set aside a significant amount of money for learning, skills training and adult literacy programs.

The honourable senator says that the group to which she refers has not received its money. Have they applied? This is a new government. This is a new program. The government is trying to direct the money down to where the programs are actually being delivered. As I have said in answer to previous questions on this subject, I believe that when these various organizations and groups that are working in the communities stop worrying about what someone may tell them will happen and get down to actually applying for the funding, they will realize that this government is committed to literacy programs, skills training and, of course, adult literacy programs in particular.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting the response to an oral question raised by the Honourable Senator Banks on June 13, 2006, regarding the softwood lumber agreement and the forestry industry.

INDUSTRY

AID TO FORESTRY INDUSTRY

(Response to question raised by Hon. Tommy Banks on June 13, 2006)

With respect to assistance to the forestry industry, the federal budget provides \$400 million over two years to combat the pine beetle infestation, strengthen the long-term competitiveness of the forestry sector and support worker adjustment. It also called for an acceleration of the capital cost allowance for forestry bioenergy.

Through a variety of federal programs to support worker and community adjustment, promote new markets, and facilitate innovation in the industry, the Government of Canada has been supportive of the forest industry. Since 2002, the government has made available \$531.5 million in federal assistance to forestry workers, communities and industries.

In addition, the Softwood Lumber Agreement signed in Ottawa on September 12, 2006, eliminates punitive U.S. duties, returns more than US \$4.4 billion to producers, provides stability for industry, and spells an end to this long-running dispute and the costly litigation. The return of more than US \$4.4 billion marks a significant infusion of capital for the industry and will benefit workers and communities across Canada.

• (1455)

[English]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that, when we proceed to Government Business, the Senate will address the items beginning with No. 1 under "Reports of Committees" followed by the other items in the order in which they stand on the Order Paper.

[Translation]

FEDERAL ACCOUNTABILITY BILL

REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Comeau, for the adoption of the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, with amendments and observations), presented in the Senate on October 26, 2006;

And on the motion in amendment by the Honourable Senator Milne, seconded by the Honourable Senator Cook, that the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs be not now adopted but that it be amended at amendment No 146(a), by adding, in the French version, after the word "Commission," the following:

"ou le renouvellement de son mandat,".

Hon. Dennis Dawson: Honourable senators, I would like to congratulate the members of this House and the members of the Senate Standing Committee on Legal and Constitutional Affairs for their work on Bill C-2, and point out in particular the efforts of Senator Oliver, Senator Day and also Senator Joyal, my mentor in the Senate.

[English]

The class of 2005; Senator Cowan, Senator Mitchell, Senator Campbell, Senator Zimmer who did an extraordinary job in this committee, bodes well for the future. The class of 2005 will go down in history.

[Translation]

The situation has changed since the debate on this bill began. Thanks to pressure from the Liberal opposition, over a hundred amendments were introduced to the bill. And I am sure that with the reasonable amendments we will introduce again today, we will make changes to this bill.

There are a number of topics in this bill that I am interested in and would like to address, but I will limit myself to three topics in particular: lobbying, political party financing and political staff recruitment. Let me begin with this third item.

Like many of you here, I was a member of a government transition committee. This is a volunteer activity to help a party that might one day be in power. I have even been on this type of committee without winning the election.

All people who sit on these committees have a profound desire to serve the interests of the public and of the party. We have contributed to preparing a platform, recruiting candidates and ensuring that the transition to forming the government would go as smoothly as possible, as the name of the committee would suggest.

This exercise is done in the best interest of the public. I could name certain people across the way who have sat on this type of committee. We all have the same objective of serving the public, which goes without saying when one enters into politics.

In view of the comments by the Prime Minister and a number of his ministers, who have been likened to prison guards in the other place, we have seen some direct attacks on the transition process. Elizabeth Roscoe, who has been working for the Conservative Party for a number of years, was attacked because she served her leader and her party. This attack is an insult to all those who volunteer to make the Canadian political system work here in Ottawa.

[English]

In the future, who will want to serve on such a committee with this type of shameful treatment of those who have served their party.

[Translation]

Every time the Prime Minister savagely attacks these activities, he is destroying the public confidence that is vital to ensuring our institutions function properly.

Speaking of our institutions, over the next few days, we will discuss personal inquiries made by the Leader of the Government in this chamber about our Senate colleagues. Her staff essentially dug through the garbage to find out who ate what, who called whom and what movies people watched on television. This is shameful, honourable senators!

I do not enjoy discussing the Leader of the Government in the Senate's disgraceful conduct. However, she and her staff will be here for just a short time. The Senate will continue its work long after they move on, which I hope will be sooner rather than later.

[English]

Of all people, the Leader of the Government in the Senate should know better. The honourable senator should know how difficult it is to recruit the right people to serve Canada; it was her job in the previous Tory government. Rules such as being banned from work for five years and the negative attitude that turns people away will not help the honourable senator or the government to recruit the best and brightest. By discouraging people who serve ministers, the honourable leader is an accomplice in lowering the quality of people who are ready to serve here in Ottawa. Just looking at her own staff, honourable senators, should make her realize the harm done by these rules, because in the past she would not have been obliged to hire such people.

• (1500)

To change the subject, honourable senators, I will now talk about party financing. I find it surprising that recently I have heard multiple references to the Quebec model for financing political parties. References by the Tories to René Lévesque's legacy are something quite new. It must make him want to come back, or at least turn in his grave.

Let us look at the existing legislation in Quebec. Since 1977, it permits \$3,000 of contribution for an individual.

An Hon. Senator: Was that \$3,000?

Senator Dawson: You heard me right, senator; \$3,000. That is since 1977. The ridiculous reference in the bill to \$1,000 maximum is, and should be considered, a joke.

An Hon. Senator: It is a joke.

Senator Dawson: In addition, the man who has been associated with this subject for over 30 years, Pierre F. Côté, was the Chief Electoral Officer in Quebec for many years, and has been fighting for its reform.

[Translation]

Mr. Côté said:

I read a particular clause from Bill C-2 that bans contributions by corporations or businesses to a political party. This is to a certain degree drawn, as was the case with certain provisions a few years back, from what the *Loi électorale* du Québec advocates.

[Senator Dawson]

He continued:

However, I personally do not agree with this clause. As far back as November 1999, I expressed the opinion that corporations, which are corporate citizens, should be allowed to make financial contributions to political parties.

In his presentation, Mr Côté went on to say:

What must be made clear is that the Quebec experience illustrates that it is wishful thinking to forbid corporations from making contributions to political parties. Party financing by the public can no longer meet the financial needs of political parties...new avenues must be explored.

I will conclude by quoting the same text:

We can no longer continue putting a large number of people in a situation where they must act inappropriately. This is not ethical behaviour. Changes must be made. It seems to me that corporations must be allowed to contribute to political parties, but according to very strict rules. For example, one could allow corporations — businesses, law firms, engineering firms — to contribute to political parties. This is why I find it strange that, instead of drawing on Quebec's experience, the main provisions of Quebec's 1977 legislation have been invoked, including those banning the corruption of corporations.

The financing of political parties is — and must remain — public, transparent and fair. The government's proposal encourages hypocrisy, dishonesty and deception.

Mr. Côté's comments seem very clear. There is nothing left to add.

Speaking of hypocrisy, let us move on to lobbying. To begin with, consider the definition of lobbying.

[English]

Lobbying — to try to influence the thinking of legislators or other public officials for or against a specific cause.

Google free dictionary, Wikipedia states:

Lobbying is the practice of attempting to directly influence the actions of government through various combinations of private cajoling, public actions, and the combination of the two. (For instance, encouraging the public to contact members of the legislature.)

[Translation]

In Quebec, lobbying is defined as oral or written communications aimed at influencing the decisions of a public office holder.

[English]

If it walks like a duck and quacks like a duck, it is a duck, Your Honour.

What about the numerous lobbying groups, such as the Citizens Coalition of Canada? As you know, the first thing they say on their site is that they do not lobby. They then spend page after page explaining how they put pressure on governments to change what they intend to do.

I was trying to find a French word for "Citizens Coalition", but that was before the Prime Minister learned that he had a vocation in French, so they do not have a French equivalent. It was one of his rare jobs in a previous life.

[Translation]

For 40 years, the Citizens Coalition has tried to influence government policy, often with success. How is it that they are not regulated by the bill? Is the government afraid of them? Or did the Prime Minister understand that they have remained his staunchest ally in order to circumvent certain aspects of Canadian law?

I do not fault him for earning an honest living, but excluding them from the legislation, not including them in the definition, seems to me another hypocritical act by the Prime Minister, who preferred to score easy points on anyone at any time.

[English]

When the Government Relations Institute of Canada appeared before the committee, they reiterated their grievances against unregistered lobbyists. According to that group, unregistered lobbyists are the enemy. We must to assure ourselves that we are targeting the right people with our legislation. Are we doing that, honourable senators?

[Translation]

In conclusion, what concerns me most about this bill is its tone. In the speeches by the ministers and the Prime Minister, we always assume the worst. We are developing measures intended to curb abuses and create a climate that discourages people from becoming involved in politics by questioning their honesty. How can we recruit staff under such conditions? Not being able to earn a living for five years after working for a minister seems excessive to me. Having no right to donate \$2,000 to a political party for fear of buying politicians is a farce. Having to disclose all discussions, meetings and telephone conversations with the government has nothing but a negative impact on the necessary communication with the business world.

We should encourage political action rather than cloaking it in secrecy. We should encourage moves between public- and private-sector jobs rather than banning them. And finally, we should monitor the real unregistered lobbyists, not those who are doing their work properly.

[English]

Hon. David Tkachuk: Would Senator Dawson accept a question?

Senator Dawson: With pleasure.

Senator Tkachuk: Perhaps the honourable senator can help me out. I listened to his speech, as I did to Senator Mitchell's speech the other day, as well as those of other senators. I may be

mistaken but did the Liberals in the other place not unanimously support this legislation that we have before us now?

Senator Dawson: How much time do I have? The reality is that that is why we have a chamber of sober second thought. We are here to debate this bill. It has been sent to committee. The committee is now reporting to us. As you know, in the other place up to 100 amendments were tabled. The debate is going forward. They had a great deal of confidence in us. I do not know if they had confidence in both sides of the Senate, but they thought they were sending it on to us. We would be receiving about 100-odd witnesses — and I do not know how many hours of work that entails —

Senator Mercer: Over 90.

Senator Dawson: Over 90 hours, and 100 witnesses. It was a wonderful job. The other place was counting on us to send this bill back to them with improvements.

Senator Tkachuk: That is fine. My understanding was that they unanimously supported the legislation. I am sure that members in the other House were looking forward to seeing what our report and our amendments would be.

From what the honourable senator has said, I take it that the Liberal Party of Canada and the Liberal caucus in the other place is fully supportive of the amendments that have been moved in this place, and that that will be reflected when the bill is again before the House of Commons?

[Translation]

More than 50 amendments have been introduced, some of them by the Conservatives. I hope that these amendments — theirs and ours — which will be tabled in the time to come, will be studied. There may be things to add to this bill.

[English]

Hon. Lowell Murray: Would the Honourable Senator Dawson answer a question about lobbying that has been on my mind for a while? I am sure others more conversant with the issue than I am have thought of this.

Why does the law not put the onus on ministers and deputy ministers, and other people on the government payroll, to record every month the contacts that they have had with lobbyists rather than requiring lobbyists to do so?

Senator Dawson: Actually, I think this bill does put a great deal of onus, for once, on the other side. The reality is that we have a government here which is saying that it wants to reduce paperwork and make things easy for communications between business and government. With this bill, the proof will be in the pudding. We will need to see how it will be applied.

• (1510)

If we look at it the way it is written, everyone will be writing reports. A lobbyist will meet with a minister and each of them will write down what he or she thought happened at the meeting. I have had meetings with ministers in which I think we might have had a different interpretation of what happened.

This bill risks creating more problems. We are all for transparency, we believe in accountability and we believe this system of registration has to exist. We think that there are improvements to be made and that is why we presented amendments. Honourable senator, we hope you will support these amendments.

Senator Murray: The system of registration is one thing, but the system of reporting on each contact with a lobbyist is another. As I understand the bill, that onus will be on the lobbyist not on the minister, deputy ministers or anyone else to keep a record of all these contacts. I would have thought the government would have placed the onus on its own creatures to do that record keeping.

Why do they not include the chairs of parliamentary committees and Senate and House of Commons committees, in terms of being the object or subject of lobbying activities?

Senator Dawson: On the question of the chairs of the committees, I would not be able to comment. With regard to the register, I am led to believe that both sides will have to record the meetings.

Hon. Consiglio Di Nino: Can I ask a question first? Do I have time?

The Hon. the Speaker pro tempore: Senator Dawson you have to ask for extra time.

Senator Dawson: Senator Di Nino, it would be a pleasure?

The Hon. the Speaker pro tempore: Is it agreed to give more time to Senator Dawson?

Hon. Gerald J. Comeau (Deputy Leader of the Government): No more than five minutes.

Senator Di Nino: Thank you. I will be touching on this issue in a presentation that I will make in a minute or so. Can the honourable senator inform us of the Quebec government's allowable tax credits, rebates or allowances toward its \$3,000 contributions? Do you have any information on how the taxpayers contribute towards the cost of the political system in Quebec?

Senator Dawson: In Quebec, they contribute in both ways. The citizens of Quebec subsidize the political parties according to the votes they received in the previous election. That would have stopped the Reform party from existing. It is a regressive system; there is a 75 per cent tax credit on the first \$100 and it regresses until \$450, I think.

Senator Di Nino: If I may, I will resume debate.

I am pleased to add some comments in this debate about this hobby horse I have had for many years.

Let me associate myself with the recognition and praises of the committee's work. All honourable senators have expressed gratitude and thanks and I add mine.

This is a complex and challenging piece of legislation, dealing with a variety of important issues, at least important to this

government. The subject matter of this bill was the centre piece of the Harper government's election platform. Accountability was the principal issue on which, in my opinion, Canadians based their choice on January 23, 2006 and elected a Conservative government. Accountability is the issue that defined the differences between the two political parties during the last election. For most Canadians I believe accountability was the valid question.

When those opposite suggest that Bill C-2 is seriously flawed, and many have, I see it as nothing more than an attempt to divert the focus of Canadians from the substantive subject matter of this legislation, which is about honesty, integrity, responsibility and transparency. These are things about which Canadians care deeply and they expect parliamentarians to enthusiastically embrace them. It saddens me that we have to legislate these kinds of concepts of good governance. Unfortunately, past experiences have shown that to protect the interest of Canadians, and I hasten to add because of the actions of a few, it becomes necessary from time to time to enact laws to strengthen the rules of responsible government.

I strongly support the amendment to the electoral financing rules. I will spend the rest of my time dealing with this issue. Those of you who have had the privilege to serve Canadians in this place for some years will be aware of my interest in this matter.

I submit to you that political contributions have been the greatest source of embarrassment and problems for political parties over the years, and I suggest all over the world, resulting in tainting of all the various parties. Inappropriate financial contributions received by parties, either by omission or commission, have too often cast dark clouds over the honesty and integrity of parties and indeed individual parliamentarians.

I believe Canada's political system to be relatively clean, particularly when compared to some other countries, but nonetheless we have had some spectacular examples of major failures of judgment, which, as you know, taints all parliamentarians.

I have often stated that democratic reform without appropriate electoral financing reform is a hollow objective and I believe I was in a minority for praising Prime Minister Chrétien for undertaking the task of reforming the system. The introduction in 2003 and the subsequent passage of Bill C-24, was a major step toward the reformation of a system that over the years was too often abused. As an aside, I remember the day Bill C-24 was introduced, Senator Murray suggested that the legislation be called the Di Nino bill because of my too often lonely voice promoting reform.

Time does not permit me to list the careers and reputations destroyed by the misuse and abuse of financing political parties; however, the saddest example is the Helmut Khol saga. Mr. Khol should have gone down in history as the man who orchestrated the reunification of Germany and the future peace of Europe without being referred to as "Don Kholeone." This was all to fill the coffers of his party and I believe without any direct benefit to him.

Colleagues, Bill C-24 changed the electoral financing laws by, among other things, establishing contribution limits, spending limits, disclosure requirements, public funding rules and changing the tax credit regime.

Today I will focus on the areas of public funding, the contributions from the public purse.

Bill C-24 authorized the rebate of a portion of political contributions by way of tax credits, which are quite generous, particularly for contributions up to \$400, for which the credit is 75 per cent to the contribution. This does not change in this bill.

The bill also increased the percentage of reimbursement of all eligible political parties' election expenses to 50 per cent from the previous 22.5 per cent. It also reduces the threshold for reimbursement of candidates' campaign expenses from 15 per cent to 10 per cent of the valid votes obtained and increases the percentage of expenses reimbursement to 60 per cent from 50 per cent.

The public purse is also tapped by businesses supporting a political party when deducting the expenses from their taxable income of contributions to businesses by way of attending political events such as golf tournaments, dinners, and receptions. These are, of course, all proper and appropriate business expenses; but notwithstanding, the public purse does pay a portion of those expenses.

The other area, and one that is probably never thought about where the public purse is tapped, is when trade unions make political contributions. Trade unions are not taxable entities. So I am asked often, how does that happen? The financial resources of trade unions come mainly, principally from dues paid by their members and these are deductible from their taxable income, obviously, creating a portion of that money as a public expense.

The granddaddy of them all is the annual per vote allowance given to an eligible registered political party for each vote received in the previous election.

• (1520)

While it is impossible to determine an exact breakdown of these various components, many put forth the argument that the cost of a political party should be borne by its supporters. However, in effect, it is not borne by the political supporters but by the general public through these tax credits, refunds and other schemes that I mentioned. In effect, the only Canadians who contribute to the political system are those who pay taxes, and those who never make a contribution are those who never pay taxes.

I believe an even stronger argument to reduce private contributions to political parties, as Bill C-2 proposes, arises when you add up all the credits, rebates, reimbursements, deductibles and allowances and find that the Canadian taxpayer is paying all the costs of the system. Why do we persist in the false assumption that the system is funded through political contributions when it comes down to you, to me and to every other Canadian taxpayer?

Honourable senators, think of all the money we could save by eliminating the bureaucracy that operates the receiving, recording, receipting and general administration of the system

by both government and political organizations if we were to totally eliminate private contributions to political parties. Bill C-2 comes closer to the position on political funding that I have held for these many years. Even though I realize I am still in the minority, because of past abuses and misuses and the fact that the taxpayers are in reality footing the bill, I hold strongly the same view. I believe that the reduction of the contribution limit to \$1,000 will go further toward my position as stated, which I have held for a long time.

In closing, honourable senators, I intend to support and vote for the passage of Bill C-2. It is an enormous step forward toward the establishment of an accountable and responsible set of governance rules. I urge all colleagues to embrace the principles and objectives of this bill and tell Canadians that we have heard their message "loud and clear."

Hon. Norman K. Atkins: Honourable senators, I rise today to speak to Bill C-2. I recognize the hard work that the members of the Standing Senate Committee on Legal and Constitutional Affairs have put into ensuring that this legislation is more concise and ultimately more effective. I certainly do not intend to comment on each and every aspect of the bill, but I will comment on certain issues.

While I believe that the federal accountability bill might be well intentioned, in many ways it could potentially make the situation worse in terms of transparency. I will preface my comments by indicating that I find it astounding that this government failed to take into account many of Justice Gomery's recommendations. It seems to me that the Canadian people, having invested an enormous amount of their tax dollars, would expect the government to have taken the report and its recommendations more seriously than they appear to have done. I would first like to express my concerns about the changes to political financing.

The proposal in the bill to reduce political donations by individuals to \$1,000 from \$5,000 is misguided. Rather than increase individual donations from \$1,000 to \$2,000, as proposed in an amendment, the ceiling should remain at \$5,000, which would include everything and is a more realistic figure. However, this proposal should exclude candidates who are running for leadership or election and who are covered by spending limitations imposed by the law or by party regulations or by both, with the understanding that they must disclose all contributions. This is the way to keep the system honest.

If someone makes a financial contribution, he or she is showing a commitment to a political party and ultimately to our democratic system. The name of the game is not to prevent people from participating by making contributions to political parties. When you do that, you discourage the kind of political activity that is right in a democracy. The issue is transparency and accountability.

I would like to comment on the restrictions on lobbying activities. The five-year restriction with regard to former politicians and officials is too onerous. Two years would be more realistic. This clause will make it more difficult to attract the bright young minds that are needed within the political realm to ultimately influence good public policy. It will interfere with further employment opportunities outside of government when it is time to move on and will make it extremely difficult for those candidates to be considered within the government bureaucracy. It is a disincentive to serve in our democratic process.

The requirement to report lobbying details to the Office of the Registrar of Lobbyists by registered lobbyists dealing with federal officials is also too onerous and will result in a major reduction in the level of communication and dialogue between government and the private sector. It will result in poor public policy and needs to be changed. If the government is worried about the role of lobbyists dealing with government on policy issues while working under contract for the government, the solution is simple: ban registered lobbyists and their companies from having any contracts with the federal government. That will solve the problem, real and perceived.

The provision in Bill C-2 to prohibit anyone involved in transition planning from lobbying the government is questionable. It is likely overkill, but so be it. However, to apply this provision retroactively to individuals who volunteered after the last election is simply wrong. Progressive Conservatives, and I thought Conservatives, do not believe in retroactive application of rules and laws. It is simply wrong.

Honourable senators, with regard to combining the role of the Ethics Commissioner and the Ethics Officer into one position with jurisdiction over both Houses, the House of Commons and the Senate, I applaud the recommendation to keep the two positions separate. It is imperative that we recognize that the parliamentary duties of the two Houses are different and need to remain that way. I heartily concur with Senator Joyal's well-articulated justification for this recommendation.

I am in agreement with the amendment that ensures that the Access to Information Act legislation is not retroactive. While increased access is crucial to the goal of transparency being sought by this legislation, it would be irresponsible to allow access to files retroactively, when organizations had no prior knowledge that there would be a need to safeguard critical information. We must be vigilant in protecting the rights of Canadians. The act now embeds the principles of the "injury test" and/or "public interest," which could potentially release information that violates the privacy of citizens or information that is sensitive to commercial operations. Without prior knowledge, the security of information gathered prior to these principles would be in jeopardy.

I wonder what the late Jed Baldwin, MP from Peace River, Alberta and pioneer of the original Access to Information Act, would think of the far-reaching changes and their implications.

I support the amendments proposed to the whistle-blower legislation. This legislation has evolved slowly and it is clear that it is needed and has been for a long time. One cannot help but wonder if we would have experienced the depth of scandal that we witnessed with Adscam had employees felt protected in coming forward.

• (1530)

That being said, it is essential to ensure that not only is there money available for legal fees to potential whistle-blowers but that a significant period of time is provided to ensure that reprisals are not postponed until the coast is clear, as it were. Protection needs to be offered long enough to alleviate any misgivings.

[Senator Atkins]

I will move now to the introduction of yet another layer to the bureaucracy, which is the public appointments commission. It is extremely difficult to determine how effective this will be without seeing any mandate for this commission, or a code. However, at some point there will be so many oversight mechanisms that people in a position of authority will be "effective neutral." They will ultimately not be able to execute a decision. We need to see the code that will enable us to determine how effective this commission will really be, and if it is really necessary.

I am well aware that the establishment of the position of director of public prosecutions was one of the many promises that were made in the platform of this government in the last election. However, I question whether that is in the interests of Canadians, or good policy. I have made this point before in the Senate: This government is adding too many layers of bureaucracy; I believe that they are following the path of Americanization of our system. This type of oversight is not necessary, except in a "Big Brother" sense. Our system has worked well for many years and I would hope that, despite the intent of this new legislation, it is entirely unnecessary to continue to add watchdogs.

As proposed, Bill C-2 is seriously flawed and is in need of help. In some places, this legislation goes too far and in others, perhaps not far enough. I believe that ultimately this legislation should be examined further and not rushed through in this session. Some might say it is in need of further sober second thought. I sincerely hope that, at the very least, most of the amendments proposed will be supported in order to make the bill more realistic.

The Hon. the Speaker pro tempore: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Honourable senators, we have before us a motion that says:

It was moved by the Honourable Senator Stratton, seconded by the Honourable Senator Comeau, that the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, with amendments and observations), presented in the Senate on October 26, 2006 be adopted;

And on the motion in amendment by the Honourable Senator Milne, seconded by the Honourable Senator Cook, that the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs be not now adopted but that it be amended at amendment No. 146(a), by adding, in the French version, after the word "Commission," the following:

"ou le renouvellement de son mandat,".

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

Motion in amendment agreed to.

I now come to the motion on the report, as amended. Is it your pleasure, honourable senators, to adopt the report, as amended?

An Hon. Senator: On division.

Motion agreed to and report, as amended, adopted, on division

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Donald H. Oliver moved second reading of Bill C-19, to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act.

He said: Honourable senators, I rise to speak in support of Bill C-19, to amend the Criminal Code with respect to street racing.

In its essence, Bill C-19 is about ensuring that our streets and communities are safe, and that our roads are not treated as racetracks, at the expense of Canadians and their communities. Before going into the main text of my remarks, I will briefly give the framework of this bill.

It is a very short bill, five and one-half pages, which basically amends two existing provisions of the Criminal Code of Canada, and it also amends the Corrections and Conditional Releases Act.

As honourable senators know, the dangerous driving provisions of the Criminal Code are found in section 249, and the criminal negligence sections are 220 and 221. Under the heading of criminal negligence, there is criminal negligence causing bodily harm and criminal negligence causing death. This new bill amends the Criminal Code to create an offence of street racing, based upon dangerous driving and criminal negligence offences — in other words, offences under sections 249 and 220. There are five new offences created in this short bill dealing with street racing.

The blatant disregard for the safety of our citizens that street racers and street racing demonstrates is obvious. In the name of thrills and excitement, street racers pursue this activity without concern for their own safety or the safety of those who have the right to freely enjoy our public spaces.

We have all heard the tragic stories of innocent Canadians and their families who have been impacted by this outrageous behaviour. Families in Toronto, Vancouver and Edmonton, to name just a few places, have been forever changed because of this crime. The deaths caused by street racing are the more tragic because of the simple fact that this crime is preventable. We should not, and cannot, stand idly by and allow this practice to continue.

That is why the government has introduced Bill C-19, to ensure that our streets and citizens are protected from dangerous criminal behaviour. This situation must change and that is why I stand here today. I am pleased to rise to speak in support of this bill, and I urge honourable senators to join me in offering their support for its expeditious passage, as was done in the House of

Commons. As honourable senators know, this bill did not go to committee in the other place.

Street racing is a dangerous activity on our streets and public roadways. Bill C-19 will create, as I said earlier, five new offences that specifically incorporate street racing, and this will aid in deterring the practice. The new offences are: Dangerous driving with street racing; dangerous driving causing bodily harm while street racing; criminal negligence causing bodily harm while street racing; dangerous driving causing death while street racing; and criminal negligence causing death while street racing.

Bill C-19 is a measured response to street racing, and it is a welcome addition to the combination of efforts now made by police, provinces, schools and safety organizations to eliminate street racing. By building upon our existing laws, we are providing our citizens with enhanced protection from this increasingly common and deadly activity.

No one is suggesting that Bill C-19 is a magic bullet which will, by itself, eliminate street racing. We know that that will not happen. Nonetheless, Bill C-19 is a reasonable measure that Parliament can and must take in order to contribute to the goal of putting a stop to street racing.

To provide some context, it is important to note how the existing law deals with such conduct. Currently, if street racing amounts to dangerous driving with no death or no bodily harm, the prosecution may proceed by summary conviction or by indictment, one of which is a more serious procedure, of course. Where the prosecution proceeds by way of summary conviction, the maximum period of imprisonment is six months or a maximum fine of \$2,000 or both. If the prosecution proceeds by way of indictment, the maximum period of imprisonment is five years. Regardless of whether the prosecution proceeds by summary conviction or by indictment, there is discretion for the court to make an order prohibiting the offender from driving anywhere in Canada for a period of up to three years. In other words, it is up to the judge. He or she is not required by law to impose the prohibition, but they have a discretion as to whether to take that step.

• (1540)

I find this disturbing. Street racers abuse the privilege of operating a motor vehicle. I am pleased that under Bill C-19 there will also be mandatory driving prohibitions that will increase with repeated offences.

For example, one of the five offences that Bill C-19 will enact is based on the current offence of dangerous driving. With the added element of street racing, the new offence will have maximum periods of incarceration that are the same as those that now attach to the offence of dangerous driving. There will also be, however, a mandatory minimum driving prohibition.

This is a welcome improvement to the law, honourable senators. Unlike our current laws, Bill C-19 would require the judge to impose a minimum driving prohibition. This is important, in my view. Those who would abuse the privilege of driving and place our citizens at risk should not be allowed to get behind the wheel. The punishment appropriately fits the crime, and I am sure all Canadians would agree that this is a sensible and important response to this criminal behaviour.

On a first offence of dangerous driving that involves street racing, the minimum driving prohibition would be one year and the maximum would be three years. On a second offence, the minimum driving prohibition would be two years and the maximum would be five years. On a subsequent offence, the minimum driving prohibition would be three years and the maximum would be a lifetime ban on driving.

Honourable senators, new indictable offences would be enacted under Bill C-19 that are based on the existing indictable offences of dangerous driving causing bodily harm and criminal negligence causing bodily harm. The element of street racing would be incorporated within these new offences. The maximum period of imprisonment for the two new street racing offences with bodily harm would be 14 years, which is significantly higher than the maximum period of imprisonment of 10 years that now exists for causing bodily harm by dangerous driving or by criminal negligence under sections 249 of the code and 220, as I said earlier. These increased penalties rightly reflect our shared values that the criminal law must appropriately punish behaviour that threatens to undermine our collective safety. I am pleased to see that Bill C-19, through these increased penalties, is getting tougher on crime.

Currently, there is discretion to impose a period of driving prohibition of up to 10 years for dangerous driving causing bodily harm or criminal negligence causing bodily harm; that is, a judge may or a judge may not impose a driving prohibition. Once again, the discretion is currently left with the judge.

Under Bill C-19, there is a mandatory minimum driving prohibition of one year on the first offence, two years on the second offence and three years on a subsequent offence. The maximum driving prohibitions for dangerous driving causing bodily harm while street racing and criminal negligence causing bodily harm while street racing would be 10 years on the first offence, 10 years on the second offence, and a lifetime driving ban on a subsequent offence. However, if an offender who is convicted of dangerous driving causing bodily harm while street racing or criminal negligence causing bodily harm while street racing has a previous conviction for dangerous driving causing death while street racing or criminal negligence causing death while street racing, there will be a mandatory lifetime ban from driving.

Honourable senators, another two indictable offences would be enacted under Bill C-19. These would be based on the existing indictable offences of dangerous driving causing death and criminal negligence causing death. The element of street racing would be incorporated within these new offences. The maximum period of imprisonment for the new offence of dangerous driving causing death while street racing would be life imprisonment. This is significantly higher than the maximum imprisonment of 14 years that now exists for causing death by dangerous driving. The maximum penalty of life imprisonment that now applies for criminal negligence causing death will apply for the new offence of dangerous driving causing death while street racing and for the new offence of criminal negligence causing death while street racing.

Under Bill C-19, there is also a mandatory minimum driving prohibition of one year on the first offence. On a subsequent offence of dangerous driving causing death while street racing or criminal negligence causing death while street racing, there is a mandatory lifetime ban on driving.

Honourable senators, some media stories about Bill C-19 suggest that the bill is not adding much to the maximum periods of imprisonment. This simply ignores the fact that Bill C-19 will enact mandatory minimum driving prohibitions that will increase with repeated offences, as I have outlined already.

I have also outlined the range of imprisonment and the mandatory driving prohibitions that will be available for new offences and how these differ significantly from existing periods of imprisonment and the existing discretionary periods of driving prohibition.

Honourable senators, I want to underline that the changes that increase the sanctions indicate to a court that Parliament views these offences very seriously, not only for a case of a worst offender involved in the worst circumstances, which attracts a sentence at the highest end of the penalty range, but in all cases. Street racing is a serious crime and has serious consequences. Put simply, it has the potential to kill, and Bill C-19 appropriately acknowledges this fact with proportionate penalties.

It is my hope that future media stories and, more importantly, the sentences imposed after the law comes into effect, will acknowledge these significant changes.

Honourable senators, I observe that Bill C-19 takes a different approach than the proposed Bill C-65 in the previous Parliament, which dealt with a similar subject matter. It died when Parliament was prorogued last year. That bill would have codified what many judges already do, that is, to treat dangerous driving as an aggravating factor at the sentencing stage for offences of criminal negligence and dangerous driving if a death or bodily harm is involved, and that is only as an aggravating factor in sentencing. Maximum periods of imprisonment for offences under the old Bill C-65 would not have been changed. Also, because that bill would not have created new street racing offences, it would not have been feasible to ensure that all situations involving an aggravating factor of street racing would have been recorded with the Canadian Police Information Centre, which focuses on recording the offence and not on the aggravating factors accompanying an offence. Again, Bill C-65 in the previous Parliament had no proposals for higher penalties linked to repeated offences, as our current Bill C-19 does.

By way of contrast, honourable senators, Bill C-19's approach is to enact separate offences for street racing. This enables the Canadian Police Information Centre to more easily identify convictions involving an offence of street racing. Because prior convictions can readily be identified, higher penalties can uniformly be applied to sentences in cases involving repeated offenders. Bill C-19 creates clear, new offences which provide for clear penalties, sending a strong message that this type of criminal behaviour will not be tolerated in our streets and in our communities.

Another benefit of Bill C-19 is that it will be possible to track the cases involving street racing over time and observe changes to the number of charges, convictions and penalties imposed over a period of time. Currently, there is information that dangerous driving cases have increased over time, but there is no way to know exactly how many of these may have involved street racing. Therefore, Bill C-19 will be a huge help in tracking street racing offences.

Honourable senators, I have a few more words to say about the offences proposed under Bill C-19. While my comments today already acknowledge that Bill C-19 would create new offences of street racing, and this will have an important impact on deterring this crime, it is important to underline that the creation of new criminal offences must be seen very seriously. The criminal law is an extremely powerful instrument of change in society and as parliamentarians we have a duty to ensure that our laws reflect our values.

• (1550)

In my opinion, Bill C-19 is a welcome change because it appropriately signals the disdain that we, as Canadians, feel toward this reckless and dangerous crime. It demonstrates that we will not tolerate this wanton disregard for the safety of others in our communities.

I am proud that this government is committed to improving the quality of life for Canadians and Bill C-19 will contribute to this by ensuring that our citizens can feel comfortable when they use our public spaces.

Bill C-19 defines street racing to mean "...operating a motor vehicle in a race with at least one other motor vehicle on a street, road, highway or other public place..." When I was had my briefing with the department, I asked the officials to define the word "race," since it is not defined in the statute. I gave a few examples of what I thought a race might be and ultimately, this will be one of those phrases that will have to be left to the courts to determine because it is not specifically defined in the statute.

These proposed amendments are not about criminalizing otherwise legitimate motor sports activities. They will not criminalize legitimate races on circuits closed to the public, nor will they criminalize what are known as road rallies. In fact, participants in rallies are already obligated to drive in a manner that does not offend against provincial traffic laws and they must follow the existing prohibitions in the Criminal Code against dangerous driving and criminal negligence. What Bill C-19 is about is ensuring that dangerous and irresponsible street racing is recognized in the Criminal Code for what it is, that is, a serious crime which will not be tolerated.

I will now deal with what are called pursuit races. These involve two cars where one car starts first and later on another one starts. Pursuit races time the cars setting out at different intervals. They race to a set location over varying routes. Pursuit races are encompassed within this new definition of street racing by virtue of the fact that there is a race involving another vehicle, even if the race is not side by side.

Bill C-19 does not cover situations that are not competitions but which involve a lone driver who speeds, for pride, or prestige, or to beat the clock. In cases where no other vehicle driver competes, if the driving exceeds a speed limit, provincial or municipal speed laws would apply to that individual. If the driving amounts to dangerous driving, the existing Criminal Code prohibition against dangerous driving applies. Ultimately, proving a street racing offence depends upon the evidence that is available to the prosecution. This is true of course for every offence under the Criminal Code.

Honourable senators, the approach proposed in Bill C-19 is a pragmatic one. It builds upon our existing laws and will provide law enforcement with additional tools to crack down on this reckless behaviour. There will be tougher penalties than what are currently available under our criminal laws. These offences will act as a clear deterrent to those who would engage in this practice and threaten public safety in the process.

Honourable senators, Bill C-19 sends a clear, strong message that street racing will not be tolerated. It does this through its five new offences, which are specific to street racing, the accompanying maximum periods of imprisonment and the accompanying mandatory driving prohibitions with minimum levels that increase with repeat offences. Significantly, having a specific offence of street racing will enable more systematic and comprehensive tracking of street racing offences in order to enhance the safety of all Canadians across Canada.

Bill C-19 is a reasonable and measured response to the serious problem of street racing. Operating a motor vehicle is a privilege, not a right. Those who, through street racing, dangerously and recklessly endanger the lives and safety of others will be appropriately sanctioned through serious measures that address the serious behaviour.

This government made a promise to ensure that our communities and streets are safe. Bill C-19 is one of the many important bills currently before Parliament which will ensure that our communities remain safe. Bill C-19 contributes to fulfilling the promise. It will have a lasting and significant impact in protecting our communities.

The proposed amendments in Bill C-19 reflect Canadian values which seek to maintain a society that is safe, just and law abiding. I am certain that we as parliamentarians want to ensure that our laws reflect these values.

Combined with the important work being done by police and the efforts of our schools, our safety organizations and our provincial governments, these measures targeted at street racing will lead to a safer and more secure Canada.

It is through a combination of effort that we will eliminate street racing. Bill C-19 complements provincial and territorial laws which have been enacted to respond to street racing. Those provincial and territorial measures include fines, vehicle impoundment and licence suspensions. Bill C-19 adds to the array of measures that will be brought to bear upon those who engage in street racing.

We need to ensure that our streets and public roadways are safe places for all. I urge all honourable senators to support quick passage of Bill C-19, as was done in the other place, by not even sending it to committee.

Hon. Joan Fraser (Deputy Leader of the Opposition): Will the Honourable Senator Oliver take one question?

Senator Oliver: Of course, honourable senators.

Senator Fraser: I may simply be betraying my ignorance here, but I tried very hard to follow what the honourable senator was saying carefully because it was very interesting. I was particularly struck by the honourable senator's remarks about the ambiguity of the meaning of "race". Shortly after that, the honourable

senator said that road rallies would not be covered by this bill. The honourable senator may have explained it and, if he did, I missed the link. If “race” is ultimately up to the courts to define, how does this bill exclude road rallies? Is there a specific section in the bill that refers to them, or how does it work?

Senator Oliver: Road rallies are now covered by municipal and provincial legislation. You have to drive safely and responsibly or you will be caught by provincial legislation.

This statute amends the Criminal Code which is a federal statute. Where there is a conflict between provincial, municipal and federal statutes, the doctrine of paramountcy would prevail. Thus the federal statute would prevail. In this case, since road rallies are regulated provincially and municipally, that is what it is covered under.

Senator Fraser: I think I understand.

Hon. Anne C. Cools: Honourable senators, I was listening to the Honourable Senator Oliver with some care. I am not that well acquainted with the bill. However, I was listening, with considerable attention to the honourable senator. I believe I understood him to say that this bill will introduce a new criminal offence, that of street racing. Am I correct in that?

Senator Oliver: That is correct.

Senator Cools: I also understood the honourable senator to say that there is no definition of street racing in the bill and that the courts will therefore have to define it.

My question is not as simple as I am in a state of bewilderment at those statements.

If the act of Parliament is not going to say “street racing,” and it is a totally new offence, on what grounds in law or in the Constitution will the court be able to define it?

There is no jurisprudence or law, unless the honourable senator is saying that the courts should exercise an act of will and perform a legislative function.

Could the honourable senator tell us upon what areas of law the courts will be relying upon to make a definition when the honourable senator, who is the sponsor of the bill, has no idea of what it means? It is craziness in my mind.

Senator Oliver: Section 1 of Bill C-19 states:

Section 2 of the Criminal Code is amended by adding the following in alphabetical order:

“street racing” means operating a motor vehicle in a race with at least one other motor vehicle on a street, road, highway or other public place;

I asked the drafters of the legislation about the parameters and definitions of when a street race is a street race. We know it means operating a motor vehicle in a race with at least one other vehicle, but what are the parameters? That question is not further defined in this statute. That will have to be interpreted by the courts.

[Senator Fraser]

• (1600)

Senator Cools: I have always been under the impression that when Parliament, in its mighty power, moves into the area of creating criminal offences, which is a blunt instrument, that Parliament attempts to be as specific and as definite as possible so as to ensure that one does not include a set of actions that are not intended to be criminalized.

Therefore, if the sponsor does not want to answer my question in that regard, perhaps he can answer another one: Why is it that the minister did not take more care with this bill to ensure that the term “street racing” is very clear, and that the courts are given great guidance in their interpretation, rather than be left on their own with no guidance? Quite frankly, I think it is an act of ministerial irresponsibility to do that. Why has the government not provided more clarity and guidance to the individuals it may be criminalizing and prosecuting?

Senator Oliver: I do not know the answer to that question, honourable senators.

Senator Cools: Why should we vote for it, then?

Hon. Pierre Claude Nolin: Do I understand that Senator Oliver is suggesting that the same course of action be taken in this place as was taken in the House of Commons?

Senator Oliver: No. I was reporting to this chamber as to how the bill proceeded in the other chamber. I am asking for speedy passage of the bill, but I think the bill should go to committee and that witnesses should be heard.

On motion of Senator Fraser, debate adjourned.

[Translation]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, when shall Bill C-2, as amended, be read the third time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I move that the bill be read the third time at the next sitting of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to on division.

On motion of Senator Comeau, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[English]

Hon. Anne C. Cools: I am sorry, I did not hear the translation, so I did not hear the motion. Which bill was being dealt with?

Senator Nolin: Bill C-2 was dealt with.

Senator Cools: Bill C-2 has already passed. The vote for third reading of Bill C-2 is supposed to take place after the adoption of the report. One cannot rise in between and do something else, at least not without permission of the house.

My understanding of the system is that, by the fact that the motion for third reading was not moved at least 20 minutes ago, in point of fact the bill has fallen off the Order Paper and it must be restored with a motion. One cannot just rise an hour later and do that. Can it be moved tomorrow or next week?

It would be nice if there could be some respect for the decorum of the system. My understanding of what may have happened is that after the report was adopted, I believe the Hon. the Speaker should have risen and asked, "When shall the bill be read the third time?" and then the motion should have been put before the house for a vote. The house must answer the question as to why no motion was moved.

It is entirely possible that the government does not want to proceed with bills. That has been done in the past when governments do not want to proceed on bills; they sort of let them fall away.

However, I am not questioning whether or not this bill can be restored to the Order Paper. I am saying to the honourable senator that it must be done properly; that it must be moved by a motion. I am not sure if the motion is in lieu of notice. The honourable senator cannot rise like this and act as though nothing untoward has happened. Something did happen. The minimum that the deputy leader should do is provide an explanation to this place to indicate what occurred and at least try to obtain in some way or other the permission or agreement of the house as to how this should be corrected.

I continue to be amazed and shocked at the wanton disregard for the rules of this place, and not only the rules but the principles. What I am speaking of concerns fundamental principles; I am not raising a point of order.

I am not sure whether or not Bill C-2 is still on the Order Paper. It might have fallen off the Order Paper, or fallen off the orders because no motion was moved. Perhaps we should attempt to ascertain that, rather than just rise and say, "I move that it be done." This is the Senate of Canada. We should treat our procedure with a high degree of respect, I believe.

Perhaps, Your Honour, I should have made this a point of order. Perhaps there should be a debate on this matter. The system is that senators are supposed to run these things, and when things happen, senators should have opinions. The more opinions there are, the better.

Hon. Eymard G. Corbin: On a point of order, I am asking for clarification. We were dealing with Bill C-19, is that correct?

Senator Cools: That is right.

Senator Corbin: The debate on that bill was adjourned.

Senator Oliver: In the name of Senator Fraser.

Senator Corbin: Normally, the next step is that someone at the table rises and calls the next item.

Senator Cools: Precisely.

Senator Corbin: I did not see that happen. I heard His Honour the Speaker put a proposition to the house, but how can a proposition to the house be made if the clerk has not read the next item? Therefore, I seek clarification.

The Hon. the Speaker: Honourable senators, the clarification being sought by the honourable senator is welcome. An error was made by the chair. To correct the error, after the item that was being dealt with by the house was completed, the Speaker rose and asked the house whether or not it was ready to — the question was asked in French, but in English it was, "When shall Bill C-2, as amended, be read the third time?" That question, by error of the chair, had not been put.

As that question was responded to unanimously by the house, the question was put. It was carried, and it has been adopted. If the chair was in error, I ask that the fault fall on the shoulders of the chair, and not on this honourable house.

Senator Cools: Is there debate on these points?

The Hon. the Speaker: No, that is the ruling of the chair.

Senator Cools: I did not ask for a ruling, Your Honour. I did not raise a point of order.

This is the Senate. If an error was made, the speaker of this house has no responsibility whatsoever to keep the government's agenda or any bill moving along. Granted, the speaker of the house noted that he or she did not rise and put the question to the house as to when the bill should be read the third time. The Speaker has no responsibility beyond that.

In other words, if the Hon. the Speaker was forgetful, sleeping or absent mentally for a moment or two, the onus of moving a government bill along rests with the government leaders. Therefore, the Hon. the Speaker may have been inattentive for a split second, but the fact is that the government leadership has the responsibility for moving the agenda of the government along. Moving government bills along is not the responsibility of the Speaker of the Senate. It belongs with the government.

I do not remember who was in the chair, but whatever they said does not bear substantially on the fact of the matter. The fact of the matter is that the government did not make a motion to place Bill C-2 on the Orders of the Day for third reading. That is the issue at hand, not the Speaker's delinquency.

• (1610)

I would like to say, in case no one else wants to say it, that I do not think that how we just proceeded is in order. I do not think it is proper and I do not think it is respectful of the house or of its members. All that the Deputy Leader of the Government in the Senate needed to have done was to seek the advice of this house as to how to proceed. I deeply suspect that had he sought the advice and opinion of this house, he would have obtained it.

Why was such advice and opinion of this house not sought? I have no doubt that if it had been sought, the deputy leader would have discovered that this house is not willing or wanting to put any obstacles in the way of passage of the bill. I do not understand. Maybe it is just the era or maybe just the day. I do not like that sort of thing, and the only choice I have is to rise and say so from time to time. Frankly, such action undermines this house, and it undermines the rules and the principles of the entire system. It is painful to watch and to listen to this sort of thing, honourable senators. Maybe, as I said before, it is just the time, but it would be nice if this government would show some respect for this house.

Hon. Joan Fraser (Deputy Leader of the Opposition): For purposes of clarification, I should perhaps explain that the Deputy Leader of the Government and I realized almost immediately that there had been a lapse, and that this matter had not been disposed of.

It is normally the Speaker who rises after the report stage has been voted on to say, "When shall this bill be read the third time?" Then, if it is a government bill, the government says, "At the next sitting," or whatever the case may be.

In this case, Senator Oliver was already speaking when the Deputy Leader of the Government in the Senate and I conferred. We went immediately to the Speaker and the table officer, and it was agreed among us that the appropriate way to proceed would be to have the Speaker conclude the matter of Bill C-2 at the earliest opportunity. This did not, I agree, constitute consulting the entire chamber, but it did constitute consultation across the two sides. If, on my part, this was less than full consultation, I apologize. I confess that, in my view, it was not a matter of high principle, but it was a matter that needed to be rectified, and the sooner the better. The way His Honour approached the matter satisfied us on this side entirely.

Senator Comeau: I agree. I concur with my colleague that we did try to rectify the calling of the item with respect to third reading. As my colleague on the other side has just said, we on this side, at least from the leadership side, were entirely satisfied with the way in which it was disposed of. Of course, I agree with my colleague on the other side that it is sometimes difficult to go round and see everyone, and I imagine there might well have been a different way of dealing with it. However, I believe the Speaker has dealt with the matter and I think we should proceed with the business of the day.

Senator Cools: I thank the two honourable senators for the clarification. I would like to underscore very clearly that all these decisions rest with the house. Senator Fraser spoke of discussions, negotiations and consultations between the leaders. However, I must remind her, as I must remind the Deputy Leader, Senator Comeau, that those consultations, discussions and agreements form no part of an agreement of this house until this house is asked to agree to it.

Therefore, if what the honourable senator described is the actual situation and is what happened, then the proper course of action that should have been taken was to immediately put the situation to the house and to ask for the house's agreement to proceed. The house would then, in point of fact, have asked the Speaker to put the question again, namely, "When shall this bill

be read the third time?" Then the Deputy Leader would have been welcomed, I believe, if not applauded, in putting the motion to the house. This house's agreement had to be obtained to his course of action, and his course of action was less than sufficient and less than satisfactory, to my eye.

The Hon. the Speaker: I thank all senators for their contribution in clarifying this matter, and in particular Senator Cools.

CANADA ELECTIONS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-16, to amend the Canada Elections Act.

Bill read first time.

The Hon. the Speaker: When shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the day for second reading two days hence.

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-210, to amend the National Capital Act (establishment and protection of Gatineau Park).—(*Honourable Senator Cools*)

Hon. Anne C. Cools: I rise to speak to second reading of Bill S-210, which amends the National Capital Act. As honourable senators know, the National Capital Act is that piece of legislation that governs the business of the National Capital Commission.

I would like to begin by associating myself with the remarks of Senator Banks and the other senators who spoke in support of this bill, and also to say that, in general, I am supportive of this bill and think it is a timely one.

I would also like to say that this bill is the intellectual child, so to speak, of the Honourable Senator Spivak. I, like many, I am sure, would like to thank Senator Spivak for her efforts and labours in putting this bill before us for our consideration. As honourable senators know, Senator Spivak is not well, so I hope she will read the record and see that I have expressed my gratitude.

I have had some contact with Senator Spivak's office, and her wishes on this bill have been communicated to me.

• (1620)

In any event, Bill S-210 has for its large purpose the establishment of clear boundaries, coherent land management and lasting protection for the Gatineau Park. The Gatineau Park is a most glorious piece of nature, located very close to us, just two miles from this very building, across the Ottawa River in western Quebec's spectacular Gatineau Hills. I would like to say that quite often I discover that many honourable senators serve here for years and do not see much of the spectacular beauty around this area. If there are any senators who have never been to the Gatineau Hills and to Gatineau Park, I encourage them to take a tour.

Honourable senators, Gatineau Park is historically significant for many reasons, only one of which is the fact that it contains former Prime Minister Mackenzie King's properties, which he donated to the country. Mackenzie King's farm is now the residence of the Speaker of the House of Commons.

Honourable senators, it is also significant because James Harkin, the Dominion Parks Commissioner, had proposed that it be Canada's first national park outside of the Rocky Mountains. In his December 3, 1913 memorandum to William Cory, the Deputy Minister of the Interior, Commissioner Harkin argued for the creation of a national system of parks, which was to include the Gatineau Park. He said:

The East has no National Parks like those in the Rockies and it is proposed that the country develop a broader scheme of parks than exists in any other country. At present Canada is behind other civilized nations in the matter of preserving the scenic, historic and wild animal life.

Honourable senators, Commissioner Harkin's hopes were never realized. Gatineau Park remains the only large federal park that is not a national park, and whose administration is beyond the direct reach of Parliament. Unlike the boundaries of national parks, Gatineau Park's boundaries can be changed. Its lands can be sold and roads can be built inside of the park without the knowledge or approval of Parliament.

Honourable senators, the absence of sufficient and adequate legal protection for Gatineau Park has allowed the National Capital Commission, which administers the park, considerable leeway with the park. Besides, I understand that the National Capital Commission has severed 48 properties, comprising 1,508 acres, and since 1992 has allowed at least 32 new homes to be built on privately owned lands inside the park. This 1,508 acres added to the 334.45 acres given up to road building over the last decade or so makes for a total area removed from the public use in the park of about 1,842 acres. That is nearly 3 square miles — quite a vast area.

Senator Spivak's bill, Bill S-210, will provide Gatineau Park with the same statutory protection and parliamentary oversight as that enjoyed by other Canadian national parks since 1930. On May 7, 1930, in the House of Commons debate on the proposed National Parks Act, Charles Stewart, the then Minister of the Interior, summarized the new act. He said that its purpose was to establish the boundaries of national parks, embody regulations in statutory form and to place national parks under the control of Parliament. Honourable senators, this is precisely what Senator

Spivak's bill, Bill S-210, intends to do for the Gatineau Park. Because I spend so much time in Ottawa, I tend to call it "the Gatineau."

Honourable senators, the importance of preserving this precious natural asset must be stated. I wish to cite the report of the Advisory Committee on Gatineau Park. This report to the Federal District Commission, dated May 16, 1949, read in part:

While this park will serve a useful purpose as a place of recreation, bringing physical benefits, its greater purpose lies in its possibilities as a spiritual and moral force in the lives of those who visit it.

I would like to repeat that, honourable senators, because at the end of the day this is what nature is about: It is about uniting man with creation, uniting human beings with God. If I may be allowed, I will read that again:

While this park will serve a useful purpose as a place of recreation, bringing physical benefits, its greater purpose lies in its possibilities as a spiritual and moral force in the lives of those who visit it.

Honourable senators, one of the characteristics of Canadian people is their call and the rush to be outdoors, to the water, to the rivers, to the lakes, to the parks. When I first came to Canada as a young girl of 13, I could not understand why Canadians talked daily about the weather. "Isn't it a glorious day? Isn't it a beautiful day?" After the first winter, I began to understand why enjoying good weather is a wonderful Canadian thing. Remember that connection to nature.

Honourable senators, for many decades concerned Canadians, nature lovers and outdoor enthusiasts have argued that the Gatineau Park requires clearer legal status and also protection from unsuitable encroachments, developments and sell-offs. Further, the National Capital Commission, through its own successive master plans, notably those from 1990 and 2005, has argued that the Gatineau Park needs a different status to legalize its zoning, set its boundaries and establish clear regulations. Despite these repeated entreaties and commitments, no action has been taken in this regard and the park remains without the sufficient and necessary legal status.

Honourable senators, Gatineau Park is a place of astounding beauty. The poets speak skilfully of the communion between humanity and divinity, of the unity between human beings and nature. I wish to close with a poem from Duncan Campbell Scott, a major Canadian literary figure. His poem *Leaves* tells of the bounty of nature's leaves and trees in all the seasons. It tells of the leaves of the oak trees, the leaves of the poplars, of the elms and of the maples.

Dr. Scott read this poem at the Château Laurier Hotel on May 8, 1935, at the inaugural meeting of the Federal Woodlands Preservation League. The preservation league, honourable senators, was the organization responsible for the creation of the Gatineau Park. Over the years, its members had included Governors General Bessborough, Tweedsmuir and Althone, as well as Prime Ministers Richard B. Bennett, Robert Borden and Mackenzie King. At the league's first meeting, Dr. Scott,

expressing the need for better protecting the forests of the Gatineau Hills, read his poem *Leaves*. I shall now read a few verses of the poem:

But when the maple-leaves are touched with frost,
All our similitudes are dwarfed or lost;
We do not think of single leaf or tree;
No more than of water when we think of the sea;
We only know the hills are hung with garlands,
And in a happy trance we dream there are lands
As calm with beauty as this painted scene,
Calm with perpetual beauty; ...

Honourable senators, the very next day, May 9, 1935, the *Ottawa Citizen* reported on this historic meeting. The headline of the paper was "Stresses Need of Preserving Natural Beauty: Rt. Hon. W. L. M. King Addresses First Meeting of Federal Woodlands Preservation League." The *Ottawa Citizen* continued:

"It is difficult to overestimate the importance of preserving for Ottawa the natural beauty of her surroundings," stated the Rt. Hon. W. L. Mackenzie King at a meeting of the Federal Woodlands Preservation League at the Château Laurier last night. "If the facts concerning the destruction of woodlands as described tonight were brought home to the public, I am certain the organization would everywhere have great support," Mr. King said.

• (1630)

Honourable senators, Bill S-210 is a step toward bringing the Gatineau Park into harmony with Canada's national parks. I urge honourable senators to support this bill.

The reason I included that Mackenzie King quote in my remarks is that, unknown to many, Mackenzie King had a great love of the outdoors, of the parks, of the green country and the spectacular aesthetic that was Ottawa, just as he had an enormous appreciation, for example, of the architecture. For example, the current home of the ambassador, now High Commissioner, from South Africa was purchased because Mackenzie King drew their attention to this lovely, old, precious property. At the time, Mackenzie King thought that General Smuts, who used to support him at the imperial conferences, deserved a residence of distinction in Canada. I guess it is just the nature of life, but Mackenzie King knew so much. Originally, he had different ideas of how Ottawa's development should take place.

In any event, honourable senators, whether or not there are a few imperfections in the bill is a matter for the committee to discern and to iron out. I think this bill could just as easily meet with your approval.

Honourable senators, my instruction from Senator Spivak is that we should allow the question to be put by His Honour, have a second reading vote and then she has asked me to make a motion to refer the bill to committee.

On motion of Senator Comeau, debate adjourned.

[Senator Cools]

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(Honourable Senator Robichaud, P.C.)

Hon. Larry W. Campbell: Honourable senators, I would like to join with the thousands of other Canadians in expressing my sincere disappointment with the \$17.7 million cut made by this government on September 25 of this year. According to the latest International Adult Literacy and Skills Survey, 42 per cent or 9 million adult Canadians have low literacy skills. In British Columbia, 1 million adults have those low skills. This means they struggle with everyday activities such as job applications, medical instructions, election ballots and, perhaps most important, reading with their children.

Low literacy is linked to low income, low employment and poor health. The level of literacy skills in the workforce has direct links with our country's economic welfare. According to Statistics Canada, a rise of 1 per cent in literacy scores relative to the international average is associated with an eventual 2.5 per cent relative rise in labour productivity and a 1.5 per cent rise in GDP per person.

Honourable senators, I would like to know how anyone can look at these facts about literacy in Canada and decide to cut funding. Literacy programming in Canada has always been underfunded and the funds that were available were essential in helping Canada's most vulnerable citizens, such as the First Nations, new immigrants and people with disabilities. Canada's literacy programs, as I have said before in this house, are run by dedicated staff and a network of thousands of volunteers in every community of every province in every territory. These funding cuts send a discouraging message to this vital group of Canadians.

I first became involved in the literacy cause through the Peter Gzowski Golf Tournament for Literacy. Mr. Gzowski understood how critical Canada's literacy problem was and rallied prominent Canadians from media, politics and business to raise more than \$10 million for the cause. More recently, CanWest leader Dennis Skulsky started Raise-a-Reader, a national fundraiser for children's literacy which has raised more than \$7 million for literacy. In addition, Premier Gordon Campbell — my older brother, just in case you are wondering — is a devote advocate for literacy and first started when he was a teacher, prior to becoming a politician. These initiatives are a testament to how much literacy means to Canadians. These Canadians need to see that their government is also committed to improving our literacy levels. To tackle this enormous and complex problem, we need more funding — not less.

This week, we learned that the federal government has changed the specific areas impacted by these cuts. I welcome this fact: that the government is coming to its senses and is reconsidering the details of the \$17.7 million cut. Only now, literacy programs across the country have no idea how they will be impacted by the

cuts. Can we possibly get some idea or some sense for Canadians of what literacy programs and services will be affected by the cuts?

It is rather ironic that this Thursday is Literacy Action Day on the Hill. On this day, literacy representatives from across Canada will be here to discuss literacy. I hope that senators will make themselves available to speak with these representatives and discuss the national disgrace of Canada's literacy levels.

Hon. John G. Bryden: Honourable senators, I would like to take a few minutes to comment on this inquiry on the state of literacy, particularly as it relates to my home province of New Brunswick.

Last week, Senator Fairbairn gave us a quick overview of the provincial impact of the announced cuts to literacy programming. Today, I want to tell honourable senators about what I am hearing in New Brunswick.

It is now almost exactly one year since we learned the results of the Statistics Canada International Adult Literacy and Skills Survey. That survey told us that the residents of New Brunswick had average proficiency scores that "were significantly below the national average." In all the four domains that were tested, on average 48 per cent of the Canada population age 16 and over scored at the lowest levels in what they called the "prose domain." In New Brunswick, that figure is 56 per cent. The Statistics Canada report goes on to say:

This suggests that a significant proportion of the population of these jurisdictions is at risk of not being able to fully reach their social and economic potential.

Nearly two thirds of the population in New Brunswick scored at the lowest levels in what the surveys call "numeracy," which adds mathematical concepts to the literacy assessment.

That is the context from which we must consider the recent announced cuts to literacy programming. Previously, \$97,500 in federal funds were available to the Literacy Coalition of New Brunswick. That funding has been terminated. In addition, \$97,500 in federal funds were available to la Fédération d'alphabétisation de Nouveau-Brunswick. That funding has also been terminated. Furthermore, \$517,000 in federal funds were available to registered charities in our province to carry out literacy programming. This has been terminated.

• (1640)

According to the Statistics Canada report, the proportion of francophones who scored in the bottom two levels in the prose domain was even larger than the proportion of anglophones. The Executive Director of la Fédération d'alphabétisation du Nouveau-Brunswick was to leave her post as of last Friday, November 3. That leaves one administrative person to complete two projects and then the FANB will have to close its doors.

The Literacy Coalition of New Brunswick is reaching the end of a multi-year agreement with the Government of Canada. One agreement with end on March 30, 2007; the other will end on July 20, 2007. It has one more project to complete after that and then anticipates having to close its doors.

I will briefly highlight some of the annual events and promotions that the Literacy Coalition has been responsible for in the province of New Brunswick and that will have to stop.

Raise-A-Reader is the well-known program that provided \$16,000 each year for family literacy programs. Ironically, Laureen Harper has been a champion of this project and was front and centre in all the media participating in Raise-A-Reader here in Ottawa. This program will not be able to continue in the province of New Brunswick because of these cuts.

The distribution of 30,000 units of family literacy materials via ABC Canada will end.

The coalition has been responsible for the donation of 300 new and used books to the Storytent and Story Wagon program at Crescent Valley. Crescent Valley is New Brunswick's largest low income neighbourhood; it is in Saint John. These books were given to families to keep so that children and their parents could have reading materials in the home. We all know how critical that is to developing literacy skills. This small but important program will now die.

The New Brunswick PGI Golf Tournament for Literacy was organized by the coalition and has been the most successful literacy fundraiser in the country four years in a row. It has been more successful than the ones in Ontario or British Columbia. In 2006, it broke its own record, raising \$160,000 for literacy programs in the province. What sense does it make to bring an end this tournament? Peter Gzowski must be rolling over in his grave.

Books Brighten Life is an annual campaign that encourages New Brunswickers to donate newly published children's books to the Literacy Coalition, which then passes them directly to children who need them. This campaign puts about 400 new books each year into the hands of children. With a new sponsorship agreement with CanWest Global, the coalition anticipated being able to provide 3,000 new children's books to families each year. This will be lost with the loss of the coalition.

The Sheree Fitch Adult Learner Scholarships has honoured 10 adult literacy students in each of the past three years. For many of these adults, it is the first time in their lives that they have ever been recognized for academic or educational achievements.

Senator Trenholme Counsell is too modest to refer to this, but the Dr. Marilyn Trenholme Counsell Early Childhood Literacy Awards have been a wonderful success, recognizing exemplary service in support of early childhood education. These, too, will be lost with the loss of the coalition.

A week-long summer institute for teachers of adults with learning disabilities was held at Mount Allison University in Sackville. Teachers who attend this institute must agree that not only will the training be applied in their classroom, but that they, in turn, will share that training with their peers, formally and informally. In other words, this program is set up explicitly to have a ripple effect throughout communities in the province.

Honourable senators, not only does the policy behind these cuts make no sense, even the manner in which they are announced demonstrates a disappointing disregard for the literacy organizations and the communities they help.

A call went out last August for proposals of literacy projects that could fit within the criteria of the \$517,000 in federal funding to which I alluded earlier. The deadline for proposals was September 15. I am told that people moved heaven and earth to make that deadline. They worked on holidays and juggled the demands of their other projects — the big PGI Golf Tournament was already occupying one person 24/7 — and they met the deadline for the applications. Then, a week and a half later the announcement came that all the funds were being terminated. This is not respectful, honourable senators. Surely this is not how public policy should be made or announced to the citizens of this country or my province.

Honourable senators, I have tried to share with you a few of the impacts of these cuts that New Brunswickers have drawn to my attention. Now I will briefly tell you what I know.

I know that as a province we have been working hard over the past years to transform ourselves and our economy to be prepared to meet the challenges of the new skills-based economy and to thrive. We have always known that our best resource is not our fish or our minerals or our forests; it is our people. However, the absolute, basic, critical element for success is a high literacy level.

This government has said it is not abandoning literacy programming. Instead, to quote the Leader of the Government in the Senate, it is eliminating "\$17.7 million over two years for funding to local and regional literacy programs because we are withdrawing from activities being performed by other levels of government."

Honourable senators, no one to whom I have spoken has said there was a problem of people or organizations stepping on each other's toes and getting in each other's way. To the contrary, this is an area in which there has been very effective partnering for a very important — critical, really — national cause.

There was a study done in New Brunswick several years called the Landal report. It found that the community approach works best in the battle against illiteracy. Learners feel welcomed and encouraged by the familiarity and the flexibility of the learning environment. The teachers and volunteers get the satisfaction and encouragement of seeing their work make a difference in their own communities, but the problems cited by the study were problems of administration and coordination. To quote the report:

The responsibilities of the operational core are scattered and contaminated with ambiguities. The valiant efforts of the volunteers and the employees are losing their momentum, threatened by the general lack of recognition by the authorities, and the exhaustion of having to adapt to the perpetually evolving and increasingly demanding needs of the clientele.

Honourable senators, it is simply wrong for the federal government to abdicate any responsibility in this area. Federal monies have played a valuable, some would say critically important role in addressing these problems. The Literacy Coalition of New Brunswick and Fédération d'alphabétisation du Nouveau-Brunswick have played pivotal roles precisely in these types of coordination and information-sharing activities, among others. We were on the right track, honourable senators.

The coalitions have the infrastructure already in place. They have policies around accountability and a proven track record, and they know their communities. This is why they are a magnet for these excellent projects like the Raise-A-Reader and the PGI Golf Tournament.

Senator LeBreton told us that \$81 million will be made available for federal programming. Honourable senators, I frankly do not know what that means and, speaking to the people on the ground in my province, they do not know what that means either. If we are to do anything effective to combat illiteracy, it will be through projects at the local and community level. The federal government has been extremely effective in working with its provincial counterparts to fund these local and community projects. They are working. Why in the world would we pull the rug out from under them?

• (1650)

I do not often quote this particular gentleman, but he is someone who was well-known and respected by many honourable senators opposite. Dalton Camp said, when serving as the Honorary Chair of the Literary Coalition of New Brunswick:

Literacy is the foundation which enables all citizens to acquire for themselves a better quality of life. We, as literate citizens, have an obligation to step up our efforts in providing resources to literacy programs.

I hope that this government realizes that it has made a mistake. That is okay, because sometimes even governments make mistakes. I hope, however, that it is prepared to do the right thing now and reinstate this funding. The people of my province need it, and they deserve it.

On motion of Senator Fraser, for Senator Robichaud, debate adjourned.

THE SENATE

MOTION TO URGE GOVERNMENT TO STUDY IMPACT OF LEGISLATION ON REGIONS AND MINORITIES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Cordy:

That the Senate urge the government to accompany all government bills by a social and economical impact study on regions and minorities in accordance to the Senate's role of representation and protection of minorities and regions.—(Honourable Senator Comeau)

Hon. David Tkachuk: Honourable senators, I have a few comments to make on Senator Ringuette's motion that the Senate urge the government to accompany all government bills by a social and economic impact study on regions and minorities and in accordance to the Senate's role of representation and protection of minorities and regions. I disagree with Senator Ringuette on this motion because the government does present

the numbers with Royal proclamation on every government bill in respect of the cost. For example, on matters of public record in 1996 the budget of then-Minister of Finance, Paul Martin, called for a halt to cash transfers of health, education and social assistance by one third. The details are available from the Department of Finance should one have doubts about that. To my knowledge, not one New Brunswick Liberal from the other side stood to oppose this move, even though on this side we did stand. They knew the economic impact study on the region and yet no motion was forthcoming. I do not believe there were any speeches from the other side condemning those cuts.

The Liberal Budget Implementation Act, 1995, repealed the Maritime Freight Rates Act and the Atlantic Region Freight Assistance Act, driving up the cost of shipping from Truro, Nova Scotia, to Toronto, Ontario, for example. At the time, the Canadian Manufacturers' Association predicted that the cost of shipping goods from Truro to Toronto would increase by 30 per cent to 33 per cent yet. While we were fully aware of the impact on the regions, not one Liberal from Atlantic Canada rose in opposition.

Many other instances of this kind exist, such as the gun registry. We on this side tried to point out that such a registry would have a tremendous impact and that the costs were highly underestimated by the government. Yet, no one on the other side paid any attention.

I commend Senator Ringuette for putting this motion forward because this should be debated in the Senate. It is important to note that in the United States, members of Congress and the Senate have to include an economic impact statement when introducing a bill because the American political system does not have an executive. Members of the house can present bills to spend money and, therefore, are obliged to attach a dollar figure. We should adopt the same practice and include a social and economic impact statement when introducing a bill in the Senate and in the House of Commons.

The Senate exists to protect the interests of the regions and the minorities. When bills are referred to committee for consideration, the social and economic impacts of bills on the regions that we represent must be taken into account, as well as what they mean to us and not just what they mean in overall costs to the country. In that way, we would have better knowledge of what is happening.

It would be good for honourable senators to remember, when studies are done, to point out some of these issues. I would hope that the Senate does not always do what the minister wants. In many cases in this chamber during the last 13 years, that is exactly what has happened, with few exceptions. For matters that come before the Senate, we have the power and the resources to include those impact statements. The government does that now but the numbers are not broken down by regions and, in most cases, they have proven to be inaccurate. The Senate should do this so that it does not need to depend on government figures. Therefore, I oppose this motion.

Hon. Wilfred P. Moore: Would the honourable senator take a question?

Senator Tkachuk: Certainly.

Senator Moore: Could the honourable senator share with the house the financial state of our country in 1995-96 at the time of the two programs that you mentioned?

Senator Tkachuk: I was not speaking to the financial state of the country but to what had happened and what members on the honourable senator's side did, although they might have had their reasons. In this chamber, there are many opportunities in debate to justify those actions. While doing that, the honourable senator might speak to some of the defence facilities in Atlantic Canada that were closed in 1994 by the Liberal government. It is the right of the honourable senator's government to defend that action, but not mine.

Hon. Joan Fraser (Deputy Leader of the Opposition): As Senator Bryden pointed out, sometimes people make mistakes, but that does not mean mistakes cannot be corrected as we go forward. That said, I would like to move the adjournment of the debate for the balance of my time.

On motion of Senator Fraser, debate adjourned.

CANADA NATIONAL VIMY MEMORIAL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to the final phase of the restoration of the Canadian National Vimy Memorial, begun in 2001 under the auspices of the Canadian Battlefield Memorials Restoration Project.
—(Honourable Senator Banks)

Hon. Lorna Milne: Honourable senators, I want to congratulate and thank Senator Dallaire for bringing us up-to-date on the restoration of that magnificent testimonial to Canada's sacrifice at Vimy Ridge in 1917. There were 3,598 young men who died at Vimy Ridge and 10,602 casualties. In total, 11,285 fine young men died during that war, whose bodies were either never found or could never be identified.

• (1700)

Their names are inscribed on the Canadian National Vimy Memorial there on that hilltop where Canada came of age. Another 51,953 Canadians are buried in cemeteries across France with their names proudly inscribed on their tombstones, row upon row.

What we tend to forget is that many other fine young Canadians also died, sometimes years later, as a result of their time in the trenches below Vimy and those terrible days. Their graves are found in quiet cemeteries across France, England and here in Canada.

Wherever there was a hospital where Canadians were treated or sent to convalesce, you will find such graves. You will find them at Cannes in France, in Birmingham, at Shoreham-on-Sea near Hastings, at Uxbridge, at Epsom, at Orpington and just outside Buxton in the Hill District of England. You will also find them in quiet country graveyards all across Canada.

Many of these young men were either gassed or wounded before or during the battle for Vimy Ridge; and some of them suffered for months, even years, before eventually dying as a direct result of that battle. They died in agony from gangrene and from the infections caused by filthy conditions and unclean surgical instruments. They drowned in their own body fluids. They died from secondary infections due to the permanent damage the gas had done to their lungs. They died.

Let me tell you the story of just one such fine young man. He was born on a farm near the hamlet of Dromore in Grey County, Ontario. He grew up there on the farm, but his lungs were damaged by a bad bout of whooping cough when he was a child, so farm work was too difficult for him. His first job was working in the local store — Taylor's General Store in Dromore. As a young man, he went west and immediately got a job in a department store in Winnipeg, where he worked until early in 1916, when he enlisted in the 11th Reserve Battalion. He was 22 years old, five feet, nine-and-a-half inches tall, with blue eyes, fair hair and a fair complexion — quite a handsome, slender young man, as the proud portrait in uniform that he sent to his parents shows.

His battalion left for England at the end of October, 1916, arriving at Shorncliffe on November 11 — how prophetic. At the end of November, he was transferred to the 22nd Battalion overseas and two days later, he arrived in France, and into the indescribable muddy misery of the trenches below Vimy Ridge.

Just imagine the shock that the stench, the mud, the vermin and the mounds of rotting garbage outlining the trenches would have been to those young men from the clean countryside of the Canada.

He was gassed the first time just twenty days later. Shortly after that, there was a second gas attack and he got it again.

He was first treated in the field and then transferred to Cannes. Later he was transferred back to England, eventually to the Canadian Casualty Assembly Centre at Shoreham-on-Sea near Hastings, then to the Canadian Convalescent Hospital at Uxbridge, finally arriving at the Canadian Reserve Cavalry Hospital in Buxton. He spent the next two years of his life in and out of the Red Cross Hospital at Buxton, alternating between military duty and hospital stays.

He fell in love with one of the nurses and they were married in April 1918, but his lungs never recovered. He died in hospital in Buxton on January 2, 1919. The army recorded it as "Struck off the strength (having died)." He was just 24 years old.

That young Canadian, one of the thousands who never made it home again, was William Milne, my husband's uncle. He is buried near the middle of a row of well-tended Canadian graves there in the peaceful English countryside on the edge of Buxton.

The quiet fertile fields, the cattle, the low hills in the distance and the small woodlot that you can see from the cemetery are very similar to the view from the cemetery at Dromore, where he is commemorated on his parents' tombstone behind Amos Presbyterian Church. His name is also engraved on the war memorial in Holstein, Ontario.

[Senator Milne]

Honourable senators, when you next visit a cemetery, look for a uniform row of military gravestones embossed with a maple leaf. Pause for a moment and consider the dates on them. Think of the other victims of Vimy Ridge whose names do not appear on that stately memorial or in the nearby cemeteries, but who, through their sacrifice, helped to create our country. Remember.

On motion of Senator Banks, debate adjourned.

KYOTO PROTOCOL

GOVERNMENT POSITION—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the stated intention of the Canadian government to weaken the Kyoto Protocol, and to dismantle 15 climate change programs, including the One-Tonne Challenge and the EnerGuide program.—(*Honourable Senator Stratton*)

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I do not think there is any more important subject before the world today than the matter of climate change. It seems to me that all other things pale before it because if we do not manage it, nothing else will matter.

I am very grateful, therefore, to Senator Mitchell for launching this inquiry. I believe that the Kyoto Protocol should be supported, that Canada should continue to support it and to meet its targets. Above all, I believe that the matter of climate change goes beyond the Kyoto Protocol, and that it is our absolute duty to consider it.

I am, however, mindful that as we speak — this item has been on the Order Paper for a while now — the world is heading into the Nairobi conference. One would hope that progress will be made at that conference. I may be a sunny optimist, but I would even hope that the Government of Canada might adjust its current position on the Kyoto Protocol slightly in the light of world opinion and of new science. However, I also believe that it is probably appropriate to wait until we see a little more of what will come out of that meeting before we continue this debate. Therefore, I would ask that the debate be adjourned for the balance of my time. I move adjournment of the debate.

Hon. Terry Stratton: As an aside, Senator Fraser, it is not that I did not intend to speak. I do intend to speak. Unfortunately, the plate is stacked a little high now, with Bill C-2, Bill S-201 and the concern with the Internal Economy Committee. I need a little patience here, and I am sure you will give it, because I intend to speak to Bill C-2, and then to Bill S-201 and then I will speak to the inquiry.

Senator Fraser: As a point of clarification, honourable senators, when I moved the adjournment, it was not with the intention of preventing anyone else from speaking. It is my understanding that Senator Stratton will remain free to speak any time he wishes.

On motion of Senator Fraser, debate adjourned.

• (1710)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO REFER DOCUMENTS OF STUDY ON MENTAL HEALTH AND MENTAL ILLNESS FROM PREVIOUS PARLIAMENTS TO STUDY ON FUNDING FOR TREATMENT OF AUTISM

Hon. Joan Fraser (Deputy Leader of the Opposition), for Senator Eggleton, pursuant to notice of November 2, 2006, moved:

That the papers and evidence received and taken by the Standing Senate Committee on Social Affairs, Science and Technology, on the study of mental health and mental illness in Canada in the Thirty-seventh and Thirty-eighth Parliaments be referred to the Committee for its study on the issue of funding for the treatment of autism.

Motion agreed to.

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF FUNDING FOR TREATMENT OF AUTISM

Hon. Joan Fraser (Deputy Leader of the Opposition), for Senator Eggleton, pursuant to notice of November 2, 2006, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, June 22, 2006, the Standing Senate Committee on Social Affairs, Science and Technology which was authorized to examine and report on the issue of funding for the treatment of autism, be empowered to extend the date of presenting its final report from November 30, 2006 to May 31, 2007.

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, could Senator Fraser tell us if she knows whether postponing the date of presenting the report to May 31, 2007, would result in additional costs. Would this review have an impact on the work of this committee?

I know that two other items were proposed for the committee's agenda by this chamber recently. What will be the impact of those studies on the committee's budget? Second, what will be the impact on the committee's other plans?

Senator Fraser: Honourable senators, I have the definite impression that there will be no impact or very little on the budget. Initially, the committee was to carry out this study review quickly. Perhaps you recall the debate on this matter in the spring. As Senator Stratton pointed out, we have had fairly heavy schedules. The committee was unable to study this matter as quickly as anticipated; however, the proposed parameters did not change. The date and the motion just adopted have the same purpose. This motion was introduced to simplify things.

We know that when the committee was examining mental health issues, it heard from witnesses on the subject of autism. It would be easier to study this matter if the papers received and evidence taken with regard to mental health were referred to the committee.

As for the budgetary implications, the members of the committee present will correct me if I am wrong, but I do not believe that there would be any change in that regard.

The Hon. the Speaker: Honourable senators, are there any other comments on this subject?

Some hon. members: No.

The Hon. the Speaker: Are the Senators ready for the question?

Some hon. members: Yes.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Tuesday, November 7, 2006, at 2 p.m.



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Tuesday, November 7, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, November 7, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

VETERANS' WEEK

Hon. Catherine S. Callbeck: Honourable senators, this week is Veterans' Week. It is a time to honour the sacrifices and achievements of our veterans and to pay tribute to those who died protecting the freedom we enjoy today. This year's theme is *Share the Story*, and it encourages Canadians to share their thoughts on remembrance, and for veterans and Canadian Forces members to share their memories and experiences with other Canadians. Sharing these stories is so very important as it makes us all aware, especially our young people, of the horror of war and the sacrifices that have been made.

More than one and a half million Canadians fought in the three wars in the last century and more than 100,000 lost their lives in defence of our country and our values. Even now, thousands of brave young men and women in the Canadian Forces continue to serve our country, putting their own lives in danger, and helping to bring peace and stability to others.

We must never forget our soldiers, past and present, who were and are willing to leave home and sacrifice their lives for our freedom so we can live in one of the best countries of the world.

We must also remember the sacrifices of those who remain behind — the families, friends and loved ones who support our courageous men and women overseas. They waited, and are waiting now, with great strength and fortitude for their loved ones to return home.

In 1915 a Canadian doctor and teacher wrote a poem with which we are all familiar. John McCrae's "In Flanders Fields" is recited at Remembrance Day ceremonies across the country. Let me read two lines of the poem:

To you from failing hands we throw
The torch; be yours to hold it high.

At the time, these lines referred to taking over the battle from those who had fallen. These words have added meaning today. They call on us to carry a torch of remembrance for those who have lost their lives in war, for those veterans who returned home and for those who continue to serve. Sharing the story is a wonderful way for all of us to do just that.

Honourable senators, during Veterans' Week, activities, ceremonies and events will be held across the country. I encourage all Canadians to take part and to ask Canadian Forces members to share his or her story. We must ensure those stories are told well into the future and that what has been learned is never forgotten.

[Translation]

Hon. Lucie Pépin: Honourable senators, this week, we express our gratitude to the Canadian men and women who have served our country in time of war, military conflict or peace. We owe these veterans a great deal.

We are proud and glad to live in a beautiful country and in a free world. But things could have been quite different. Threats, each one more unpredictable than the last, shook our stability on numerous occasions. In each of these times of uncertainty, we could count on our fighting men and women, who sacrificed themselves for their community. These men and women strove with unshakeable courage to preserve freedom and democracy, values we hold so dear.

We owe them a huge debt. We will never be able to thank them enough for what they did. However, we can make them proud by remembering their individual and collective achievements. This year's theme, *Share the Story*, calls us to meet with veterans to listen to their individual stories and gain a better understanding of the sacrifices they made.

The poster released to mark the occasion depicts a young man and his grandfather, a veteran. It is a wonderful idea to involve our young people directly in this celebration, because who better than the younger generation to keep the memories of the past alive for future generations. I am sure that our veterans' achievements will also be a lasting source of inspiration for our young people and will serve as a model for them.

As we mark the 50th anniversary of the creation of the first UN peacekeeping forces, our youth will realize that the Canadian Forces have always played a crucial role in peace and reconciliation between peoples. I hope that by becoming aware of this facet of our military contribution, young Canadians will ensure that we again wage a struggle for peace in the near future, as we did in the recent past.

• (1410)

Honourable senators, this Saturday, November 11, we will pause and reflect on these brave souls who fought and fell in the fields of honour. At the same time, I encourage you to extend your thoughts and prayers to our military nurses, who have contributed to every mission undertaken by the Canadian Forces and risked their lives on many occasions.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of His Excellency France Cukjati, President of the National Assembly of the Republic of Slovenia, together with a parliamentary delegation from the National Assembly of Slovenia. Our distinguished colleagues from the Parliament of the National Assembly of Slovenia are accompanied by His Excellency Tomaz Kunstelj, Ambassador of the Republic of Slovenia to Canada.

While I am on my feet, I also draw your attention to the presence in the gallery of the participants of the Fall 2006 Parliamentary Officers' Study Program.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

ROUTINE PROCEEDINGS

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF COUNCIL OF EUROPE ENVIRONMENT, AGRICULTURE AND LOCAL AND REGIONAL AFFAIRS COMMITTEE, MAY 12, 2006—REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association to the Council of Europe Parliamentary Assembly on its meeting of the Committee on the Environment, Agriculture and Local and Regional Affairs in Paris, France, on May 12, 2006.

• (1415)

WORLD WAR I

CONTRIBUTIONS OF ARAB PEOPLES TO ALLIED VICTORY—NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rule 56(1), (2) and 57(2) of the *Rules of the Senate*, I give notice that on Thursday, November 9, I will call the attention of the Senate to:

(a) to Remembrance Day, November 11, 2006, the 86th Anniversary of the end of the First World War, the Day to honour and to remember those noble and brave souls who fought, and those who fell, in the service of the cause of our freedom and in the cause of the British and Allied victory over Germany, Austria-Hungary, and the vast and powerful Ottoman Empire, known as the Ottoman Turks; and

(b) to the Arabian theatre of the First World War fought in the Arab regions of the Ottoman Empire, particularly Arabia and Syria, and to the brave and valiant Arab peoples, the children of Ishmael, who fought and fell on the side of Great Britain and the Allies in a war operation known to history as the Great Arab Revolt, June 1916 to October 1918, in which the Arab peoples from the Hijaz, the Najd, the Yemen, Mesopotamia and Syria, and their leaders engaged and defeated the mighty Ottoman Turks, the rulers and sovereign power over the Arab peoples, expelling them from the Arab regions, which these Ottoman Turks had occupied and dominated for several centuries; and

(c) to the great Arab Leaders in the Arabian theatre of war, particularly the revered Hashemite, a direct descendant of the Prophet Mohammed, the Sharif Husayn ibn Ali, the Amir of Mecca, the Holy City, and his four sons the Amirs, Ali, Abdullah, Faysal, and Zeid, who though high office holders under the Ottoman Turks, repudiated their allegiance to the Ottoman Sultan, and led their peoples in the Arab Revolt, both in support of and supported by Great Britain, whose high representatives had promised them independence for the Arabs; and

(d) to the endurance and valour of the Arab fighters, adept with their camels, to the desert and Bedouin warriors, to the desert tribes, the tribesmen and tribal chiefs such as Auda abu Tayi of the Howeitat tribe, and also to the Arab soldiers and officers of the Ottoman Turkish Army who joined the Arab Revolt to oust the Turks and to support the British, and to the harsh and inhospitable conditions of the deserts, the scorching heat of the days and the frigid cold of the nights, and to the Arab campaigns and victories including their capture of Akaba, Wejh, Dara and Damascus from the Ottoman Turks; and

(e) to other Arab leaders, including the Amir Abd-al-Aziz of Najd, known as the Ibn Saud, and the Idrisi Amir of Asir, who had offered resistance to Ottoman domination even before the war, and to General Edmund Allenby, the Commander-in-Chief of the British forces with headquarters in Cairo, Egypt, who noted the indispensable contribution of the Arab peoples to British and Allied victory; and

(f) to the Remembrance of the Arab peoples, the descendants of Ishmael, the son of Abraham and Hagar, the bond servant of Abraham's wife Sarah, and to the Remembrance of all the Arab peoples who sacrificed and suffered tremendously, often afflicted by hunger and thirst, yet who contributed to making Allied victory, our Canadian victory, our freedom from domination, possible. Lest we forget. We shall remember them.

QUESTION PERIOD

THE ENVIRONMENT

FORMULATION OF CLEAN AIR POLICY

Hon. Lorna Milne: My question is for the Leader of the Government in the Senate.

Over the weekend, I had a chance to catch up on some reading and I noticed a column by Greg Weston that, prior to the introduction of this government's clean air act, Bruce Carson, a legislative assistant to the Prime Minister, was asked to become the Environment Minister's second Chief of Staff in five months. Apparently, his specific role was to take complete control of creating a new clean air plan. Weston reported:

In true Harper hands-on style, Carson and only four other officials set to work inventing the Conservative's entire environmental air quality plan for Canada to the year 2050.

My question to the Leader of the Government in the Senate is simple: Can she confirm that Bruce Carson and only four other officials invented the entire environmental air quality plan for Canada to the year 2050?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Milne for her question. The premise and the content of Greg Weston's article, which I read, were absolutely false. A large number of people from Environment Canada and from energy are working on this very important file. Bruce Carson is a valued employee of the Prime Minister's Office. Mr. Carson worked with Minister Ambrose over the summer as an assistant in her office until she hired a chief of staff.

Senator Milne: Can the Leader of the Government in the Senate, in all good conscience, deny that this environmental policy was shaped entirely by four public relations staff from Environment Canada?

Senator LeBreton: I do not know what part of "no," the honourable senator does not understand. The fact is that Greg Weston's article is entirely incorrect.

• (1420)

Many of us who were involved in the briefings over the summer know the extent to which the consultations took place, the number of people who were consulted and the number of people in the various departments who worked on this file.

I think that once the Canadian public have a chance to look at the work of Minister Rona Ambrose and other ministers on this file, they will appreciate that the clean air act is a major step forward in dealing with a very serious environmental problem in this country.

Senator Milne: I thank the Leader of the Government in the Senate for her answer. However, we have recently seen the results of a rushed drafting project in the form of Bill C-2, currently before this chamber. Quite frankly, we have seen the potential pitfalls and ill will that it can create. It is clear that this clean air initiative was also rushed and that the previous Government of Canada was on course to improving the environment for all Canadians. It is also clear that the plan proposed by this government will place this process in serious jeopardy. Therefore, I want to know if the Leader of the Government in the Senate would be willing to recommend to her cabinet colleagues that they go back to the drafting table and improve on this proposed clean air act.

Senator LeBreton: For many years we have had a situation of inaction on the whole issue of greenhouse gas emissions and air pollution.

Many people worked on this file. The Prime Minister's meeting with the leader of the NDP in the other place, where they agreed to send the proposed clean air act to a legislative committee, proves that the government is willing to listen to other points of view on the clean air policy.

[Senator Milne]

I believe that the Canadian public knows we are making a serious effort on the issue of air pollution and greenhouse gas emissions and that we are leading the way. After all, this is the first government ever to regulate emissions. We are regulating the auto sector for the first time ever. We are imposing tougher new standards on air pollutants, and we are proposing new regulations to deal with hazardous pollutants from consumer products such as paint, ink and spray cans.

We will monitor polluters and fine those who do not meet their targets. We are proposing a solution whereby we would reinvest environmental fines into a fund that will help us clean up the environment. I believe all of those measures are major steps and steps which have never been taken. This government deserves credit for having the courage to take on this issue.

AGRICULTURE AND AGRI-FOOD

BEEF IMPORTATION QUOTA— ISSUANCE OF SUPPLEMENTAL PERMITS

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate.

Earlier today some of us met with representatives of the Canadian Cattlemen's Association and were advised of a matter that is of great concern to them, involving the importation, tariff free, of beef into Canada. We have free movement of beef in the NAFTA countries, but this subject deals with importation from other countries.

The system that we now have is part of the Uruguay Round, which has been in effect since 1994. It allows roughly 76,000 tons of beef to come in free of duty.

In 2003, as we are all aware, we experienced the crises of BSE and a closed border, and we found that our processing capacity in Canada was incapable of processing the volume of beef that we produce. Over the period 2003 to the present, we have developed sufficient capacity to process all of the beef we produce. Canadian cattlemen are very concerned that we may return to a practice that came into effect in 2003 — that is, sticking to the 76,000-ton limit without allowing supplemental permits to import additional beef, which in 2002 would have been almost double the 76,000 metric tons allowed in. While we are on the verge of an over 30-month age regulation with the U.S., we may find the capacity in Canada is underutilized by the older cattle going into the U.S. for processing, leaving this new capacity non-viable. To remain viable, it requires a commitment from the government not to issue supplemental permits.

• (1425)

Can the leader assure me, those on this side, and the Canadian Cattlemen's Association that it is the government's intention not to allow the issuance of supplemental permits, which would jeopardize this additional processing capacity?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I was not privy to the meeting held by the honourable senator today with the Canadian Cattlemen's Association. The honourable senator is asking a very interesting question. I will simply take it as notice and respond with a delayed answer.

INDUSTRY

FUNDING OF COMPUTERS FOR SCHOOLS PROGRAM

Hon. Jane Cordy: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, I spoke about the Computers for Schools Program, which was adopted by Prime Minister Kim Campbell. Since 1993, over 800,000 computers have been distributed throughout Canada for use in schools, regional libraries and needy not-for-profit organizations. This program is one of the many valuable programs that will no longer receive federal funding beyond March 31, 2007.

Would the Leader of the Government in the Senate tell this chamber why, this program, which is now being piloted in other countries based on the Canadian model, will no longer be funded by this government?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. I heard her statement yesterday. I am not aware of where the honourable senator obtained her information. Despite what is being said about the program, the fact is that it has not been cancelled. Additional resources have been secured to address the shortfall in funding this year for Computers for Schools. These funds will assist the Computers for Schools licensees to meet operational targets that are as close as possible to last year's levels.

I can only hope that whoever is saying that this is happening will cease to do so, because the program has not been cancelled.

Senator Cordy: The people with whom I have spoken will be most pleased to hear that answer. There was a group on the Hill a few weeks ago who worked with Computers for Schools across the country, and they told me that the program will receive no funding as of the end of March 2007. One of the gentlemen actively involved in Nova Scotia sent me an email relaying the same information. I will be happy to tell them all that they will be receiving funding after March 31, 2007.

PUBLIC WORKS AND GOVERNMENT SERVICES

COMPUTERS FOR SCHOOLS PROGRAM—
DISPOSAL OF SURPLUS COMPUTERS

Hon. Jane Cordy: My supplementary question is for the Minister of Public Works. The Computers for Schools Program, for which I understand funding will be cut, provides a valuable service to the federal government by redirecting used computers, at a low cost, from landfill and putting them in the hands of people who can benefit. If this program is cancelled, will the Minister of Public Works tell us what plans the federal government has to get rid of the surplus computer equipment and what the cost of the disposal would be?

Hon. Michael Fortier (Minister of Public Works and Government Services): I wish to thank the honourable senator for that question. I will take it as notice and return with an answer on the surplus computers.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

WATER QUALITY ON RESERVES

Hon. Francis William Mahovlich: Honourable senators, my question is for the Leader of the Government in the Senate. Recently, an article was published in *The Globe and Mail* about the remote Ojibwa community of Pikangikum, an area located 250 kilometres north of Kenora, Ontario. The situation that currently exists in the community is an absolute disgrace. There are not enough houses for its population, which has doubled in the last few years. As many as 18 people live in a single small home. The small schoolhouse built 20 years ago now has 780 students attending when it was only meant for 250. This year alone, there have been six suicides in the small community, one of which was a 12-year-old girl.

Even more worrisome is the water situation in Pikangikum. There are high levels of many dangerous substances in the water which affect the entire population, both young and old. Many people must resort to getting their drinking water from Pikangikum Lake rather than from the community's water plant, which I should mention only provides water to approximately 19 per cent of the homes on the reserve.

• (1430)

This is simply not acceptable. The Department of Indian Affairs and Northern Development reasoned that little or no help is getting to the community because the reserve has a history of frequent changes in leadership. Further, Jim Prentice, minister of the department, has refused to meet with his Ontario counterpart due to political grandstanding by Premier Dalton McGuinty.

If resolving the awful problems of this and other native communities is not the priority of the Department of Indian Affairs and Northern Development, as they have demonstrated by their lack of actions and poor excuses, what exactly are their priorities? People's lives and well-being are at stake here.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I will leave the pronouncement of that particular community to the honourable senator, but I acknowledge that we are talking about the same community. I, too, saw the news reports.

As the senator knows, Minister Prentice announced last March a water action plan, and money was set aside for that in the budget. In addition, considerable effort has been made over the past few months to initiate actions where clean water can be delivered to the most at-risk communities.

In the case of this particular community in Ontario, a main water point has been set up at the water treatment plant where residents can obtain clean, safe drinking water. The Department of Indian Affairs and Northern Development is moving immediately to ensure that more water is available to the residents. Discussions are under way with the leadership of the community to find a better and more long-term solution to this obviously unacceptable problem.

INDUSTRY

FUNDING OF COMPUTERS FOR SCHOOLS PROGRAM

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I would like to return quickly to the question that was asked by Senator Cordy, because I found myself a little puzzled.

The Leader of the Government said that funding was continuing. Senator Cordy appropriately drew the distinction between funding for this fiscal year and for the next fiscal year. Can the leader confirm to us that she is saying that the program will be continued with full funding after the end of March, 2007?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the premise of Senator Cordy's question had to do with whether the program had been cancelled. I said that the program had not been cancelled. Requests for monies for all the various good projects that people are concerned about will be presented to the Minister of Finance in due course. He and officials in the various departments who are dealing with issues such as this will decide what the budget will entail, but the fact is that the program has not been cancelled.

Senator Fraser: Honourable senators, I will take that as confirmation that Senator Cordy's assumption is correct.

Hon. Jane Cordy: Honourable senators, I am still not clear on this matter. The question I asked was whether these programs will no longer receive federal funding after March 31, 2007. My understanding of the response of the Leader of the Government, which I will be very pleased to e-mail to all the people who have e-mailed me, is that in fact funding will not be cut, and that funding will continue past March 31, 2007.

Senator LeBreton: Honourable senators, I have answered the question, that the program had not been cancelled. In my answer, I cautioned people on assuming things. It was the same thing with the literacy program: People assume many things and then they come back and say that the assumption was wrong when a particular group applied and was given funding.

I am saying at this point in time that the Computers for Schools Program has not been cancelled. I do not think people should assume; honourable senators must know the old saying about making assumptions.

• (1435)

Senator Cordy: My question had nothing to do with the program being cancelled; my question had to do with whether the program will continue to receive federal funding after March 31, 2007. My understanding in listening to the minister's answer was, in fact, that funding will continue past March 31, 2007. That is all I would like to hear so that when I go back to my office later this afternoon I can email the people who are concerned.

Senator LeBreton: I said the program has not been cancelled, and, like everyone, I am awaiting the budget to show which programs will receive more money and/or which programs will continue. I simply said that the Computers for Schools Program has not been cancelled. The premise of the question was that it

had been cancelled, and it has not. That is the most that I can say at this time. I will be very happy to inform the Minister of Finance and other ministers of the honourable senator's concern about this program.

Senator Cordy: My question was not about whether the program will be cancelled. It was whether funding would continue after March 31, 2007. The answer to me when I asked the question initially led me and others in the chamber, I would assume, to believe that this funding would continue after 2007. I am not saying "assume." I thought the answer was clear because I stood up and said that I would be pleased to inform the people that I had spoken to and who had contacted me that, in fact, this program will continue.

My question was not about whether the program would be cancelled. My question was whether the funding would continue after March 31, 2007.

Senator LeBreton: Honourable senators, I will be happy to take the honourable senator's concerns to the Minister of Finance and other ministers who are involved in this program.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

LITERACY ACTION DAY

Hon. Joyce Fairbairn: Honourable senators, first, I should like to remind all senators today that Literacy Action Day will be celebrating its eleventh year on Parliament Hill on Thursday of this week. Along with the Movement for Canadian Literacy and the other national associations, there will be 36 literacy delegates, 10 of whom will be learners, a smaller number than in the past; nonetheless, they are all committed to connecting with their representatives on Parliament Hill. Meetings have been set up with 60 parliamentarians, 12 of whom I understand are senators.

Will the Leader of the Government in the Senate be able to find the time to meet with one of the groups — two people usually come together, and one of them is a learner — to hear from them how they think things are going, particularly after last week?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am well aware of the literacy advocacy day on Thursday. I do not have my schedule before me. I find myself sometimes committing to things when I should not have done so, but I will be happy to have my office call the honourable senator's office to see if it is possible for me to meet these people.

Senator Fairbairn: Honourable senators, I know that an invitation has been made. Thursdays are busy days, and I hope the minister will be able to meet with them.

In case she cannot, there is a stand-up lunch at noon in room 256-S, and that includes everyone in the Senate and the House of Commons. It will include all of the people who are here from out of town and as many parliamentarians as we possibly can have. Human Resources Minister Finley will speak, as will other opposition leaders and people from the other side. Senator Cochrane and I are co-hosting the luncheon, and we would like to see in attendance as many people from the Senate of Canada as we possibly can.

• (1440)

We will hear directly from two of the learners during this lunch. We will also meet the leadership of our national associations, and it would be great if the honourable senator could find even that amount of time to come in and say hello.

Senator LeBreton: Honourable senators, I will certainly do my very best to drop into the event.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

MINISTER FOR DEMOCRATIC REFORM— MINISTERIAL APPOINTMENTS

Hon. Gerald J. Comeau (Deputy Leader of the Government): tabled the answer to Question No. 3 on the Order Paper—by Senator Downe.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER DOCUMENTS FROM STUDY ON BILL S-18 IN FIRST SESSION OF THIRTY-SEVENTH PARLIAMENT TO STUDY ON BILL S-205

Leave having been given to revert to Notices of Motion:

Hon. Tommy Banks: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the papers and evidence received and taken and work accomplished by the Standing Senate Committee on Energy, the Environment and Natural Resources during its study of Bill S-18, An Act to amend the Food and Drugs Act (clean drinking water) in the First Session of the Thirty-seventh Parliament be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources for its study of Bill S-205, An Act to amend the Food and Drugs Act (clean drinking water).

[Translation]

ORDERS OF THE DAY

FEDERAL ACCOUNTABILITY BILL

ALLOTMENT OF TIME FOR DEBATE— MOTION ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 38, I move:

That, in relation to Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency,

oversight and accountability, no later than 3:30 p.m. on Thursday, November 9, 2006, any proceedings before the Senate shall be interrupted and all questions necessary to dispose of its third reading shall be put forthwith without further debate or amendment, and that any standing votes in relation to these questions not be deferred;

That, if a standing vote is requested, the bells to call in the Senators be sounded for thirty minutes after which all questions will be then put consecutively without any further sounding of the bells; and

That, with respect to the debate on the motion for third reading of the Bill, motions in amendment and subamendment be allowed for debate simultaneously without setting aside the motion for third reading of the bill, and, at the conclusion of the debate, all questions be put to dispose of any and all subamendments, amendments and the third reading motion.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, the sponsor of Bill C-2 at the second reading is Senator Oliver and the opposition spokesperson is Senator Day.

Pursuant to rule 37(3), I move:

That when they speak at this stage of the bill's consideration, they will be entitled to 45 minutes, even though in this case the sponsor did not move the third reading of the bill.

[English]

FEDERAL ACCOUNTABILITY BILL

THIRD READING—DEBATE ADJOURNED

Hon. Terry Stratton moved third reading of Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, as amended.

He said: I would like to proceed on third reading of Bill C-2. I move third reading of this bill.

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Stratton, seconded by the Honourable Senator Andreychuk, that this bill be read the third time.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, before we proceed any further, I would like to confirm that it is our understanding on this side that the agreement we reached was that the official sponsor and critic for this bill, namely Senators Oliver and Day, would have allocated

to them the 45-minute time slots that are normally accorded to the first and second speakers at this stage of debate; that apart from the leaders who, of course, have unlimited time, no other senator would be given 45 minutes as of right. That is the agreement.

Hon. Gerald J. Comeau (Deputy Leader of the Government): That was the motion I just read a couple of minutes ago — not the motion, but the advice to this chamber. I will read it in English this time around.

Honourable senators, the sponsor of Bill C-2, identified at the second reading as Senator Oliver, the opposition spokesperson being Senator Day, in accordance with rule 37(3), when they speak at this stage of the bill's consideration they will be entitled to 45 minutes, even though in this case the sponsor did not move the third reading of this bill.

The Hon. the Speaker: Is that clear, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Agreed. That is the house order.

Senator Stratton: I fully understand that I have 15 minutes, I think.

Senator Tkachuk: Not 20.

Senator Stratton: I might ask for five more.

Honourable senators, in last January's election, Conservative Leader Stephen Harper set out five priorities, one of which was the proposed federal accountability act. Canadians voted for these priorities, as did the elected members of the other place, last June when they passed Bill C-2. The proposed federal accountability act, the most sweeping anti-corruption bill in Canada's history, was the new government's first piece of legislation. The intent is simple: To change the way business is done in Ottawa by reducing the clout of big money in politics, by making life more difficult for lobbyists, and by making it easier to catch and convict politicians and public servants who engage in behaviour that would best be described, as in recent history, as corrupt. It represents a major departure.

Why do we need this bill? It is regrettable that the Liberal majority in this chamber chose to introduce amendments that will water down this bill. It is particularly regrettable that the opposition would do so given the series of events that led to this bill, the most significant of all being the sponsorship scandal. The bottom line is that the Liberals broke every rule in the book and that public money was laundered through ad agencies and Crown corporations, to find its way into the hands of the Liberal Party through envelopes stuffed with cash, all in the name of national unity, all over a period that began shortly after the 1993 election and which continued until they were caught.

As Judge Gomery concluded in his report to the people of Canada:

The Liberal Party of Canada (Quebec) cannot escape responsibility for the misconduct of its officers and representatives.

[Senator Fraser]

Beyond sponsorship, there was a series of incidents involving Crown corporations. It was the Business Development Bank's Grande-Mère scandal, complete with what one judge called a vendetta on the part of former Prime Minister Jean Chrétien.

• (1450)

It was the mint's David Dingwall who infamously said, "I am entitled to my entitlements." It took the Auditor General's revelations of the sponsorship scandal to prompt the former government to order a special audit of Canada Post, which in turn revealed that André Ouellet was funnelling contracts to his personal friends and bypassing normal hiring rules to get his friends on the payroll. If the Access to Information Act had applied to Canada Post at an earlier date, we would have known much sooner that André Ouellet did not have to file receipts to get reimbursed for whatever travel expenses he chose to claim.

Then there was the revolving door between the former government and lobbyists, a textbook example of this being a rather cosy relationship between the then Prime Minister Paul Martin and his PMO in waiting.

This was a government that only begrudgingly addressed the issue of whistle-blowing toward the end of its mandate, and not in a manner that created a truly independent process.

We had a government that put unaccountable foundations into the business of delivering government programs beyond the scrutiny of Parliament or the Auditor General through the endowment of billions of dollars of taxpayer money. We have had no independent way to verify how this money is being spent and how the management of these foundations are conducting themselves.

I could go on, but I think this is a chapter in Canada's history that we would all rather leave behind us.

The need for this bill is clearly there, yet the Liberals introduced more than 100 amendments, in some cases insisting on those amendments even after being told by legal counsel of potential problems. These included changes that will remove the Wheat Board from inclusion under the Access to Information Act. One has to ask: Why? It should be pointed out that if the Canadian Wheat Board currently has an access to information system in place, there should not be a problem adapting the system to meet the new access to information guidelines. It is important to note that the Government of Canada is involved in the operations of the Canadian Wheat Board. Any payment made to farmers from the pool account requires approval through Order-in-Council before they can be made and any losses are to be paid by the Government of Canada. For example, in 2002, over \$85 million were required to shore up the Canadian Wheat Board losses. The Canadian taxpayer, along with farmers, should have the ability to see how this occurred. Bill C-2 does not require that current commercial information be made available under the Access to Information Act.

Another amendment would limit the reach of the Access to Information Act in foundations to only include information created after the accountability act's Royal Assent. Why? There were five foundations created with billions of dollars before this act will come into effect. Why would they be exempted? When the foundations appeared before the committee we got the impression

they were well managed, and therefore they would not have a problem with this proposed legislation. It is called accountability. It is called transparency.

The Liberal amendments could reduce the proposed time available to prosecutors to initiate charges under the federal elections and lobbying laws. Why? This is an argument that I have been having with the reverend over a period of time. We want five years because it takes five years for a potentially complicated investigation and then a further five years to implement changes. Members opposite want to reduce those times to two years and five years, which I think is inappropriate. As I said before, the events which culminated in the Gomery inquiry started back in 1995. You have to take that time to go back and investigate. You need the five years.

An even more curious amendment would grandfather those political staff members who currently qualify for priority placement in the public service, allowing them to continue to jump the queue over more qualified applicants. Why? Why would they not be willing to compete against any other civil servant for a position?

Members opposite would increase the proposed donation limit from \$1,000 to \$2,000. Why? They would delay implementation of the new electoral financing limits until January 1 of the year following Royal Assent, which could very well mean until January 2008, if the Liberals continue their delaying tactics.

Honourable senators, I believe the last two items, those pertaining to electoral financing, are really driving the opposition majority. The proposal to double the limit to \$2,000 from \$1,000 does not sound like much, but it is really a proposal to allow for donations up to \$6,000 per year. This is because you would be able to donate \$2,000 to the party, \$2,000 to the riding association and \$2,000 to your local candidate.

The Liberal Party has been spectacularly unsuccessful in getting grassroots financial support from Canadians and now seeks to continue its dependency on large donations. I do not see the real problem. Remember, honourable senators, 99 per cent of all donations to political parties are under the amount of \$200. It should not be a problem.

Honourable senators, during the meeting of the Standing Senate Committee on Legal and Constitutional Affairs of September 18, Senator Milne gave what I thought was a peculiar reason to set the limit higher than \$1,000. She said, "I am presently at the limit from having donated to my own caucus expenses here in Ottawa, and then with paying convention fees I am over the \$1,000 limit and I have not given a cent to my party." She said as well, "Many senators I know are choosing not to go to the convention for that exact reason."

I found this a little bizarre so I asked Senator Milne if she was saying that her caucus expenses are tax receiptable by her party. Her response was that she did not know but that she did get some kind of tax receipt. I was incredulous over that reply. If Liberal senators are funnelling their caucus lunch money through their party and then getting a tax receipt, something is wrong. As senators, we receive per diems to cover such costs and any kind of subsidy over and above that would constitute double-dipping.

Our caucus does not give tax receipts for the cost of caucus lunches. It is considered to be a personal expense, as it should be. I have no sympathy for the argument that we would raise the contribution limits beyond those originally proposed in Bill C-2 so that the Liberals continue to enjoy a tax break. If I am wrong, I will apologize, but that is exactly what took place in that meeting.

Honourable senators, the Liberal amendments to delay the new election financing rules until January 1 of the year following Royal Assent means that if the bill does not pass by Christmas, the old rules will remain in effect for all of — next year. The party has relied heavily upon \$5,000 cocktail parties to raise funds and could continue to do so. Until they moved that amendment, some of us thought their objective was to delay the bill until after their convention, which at this point would have been easy to do. For that matter, given their majority, they could have inserted December 3 as the effective date.

I remind senators that in June Senator Oliver thought that he had an understanding among members of the steering committee that while the committee would not sit over the summer, the committee would be able to report the bill on September 26. To his surprise, in September, the Liberals denied the existence of any such understanding. They wanted far more witnesses than foreseen in the spring and had no desire at that point to put in extra hours to get the witness list done by September 26. Indeed, when it was pointed out that we could have sat through the summer to hear those witnesses, Senator Campbell's response from the afternoon of the meeting of September 5 was, "Why would we want to sit over the summer?"

The committee met the first and third weeks of September, but not the second. When I suggested that we sit the second week of September, the Liberals rejected this flat out.

• (1500)

Committee hearings took far longer than is our practice, as witnesses who would normally be grouped as a larger panel sat as a smaller panel or as a panel of one. Some of those witnesses brought little to the table that had not already been said. Unfortunately, our chair had his hands tied by the Liberal majority on the steering committee.

It was only when faced with the prospect of staying in Ottawa for weekend sittings that the opposition agreed to report the bill on October 26; one week sooner than they were saying the committee would wrap up its work.

Shortly before the committee proceeded to clause-by-clause consideration of the bill, we saw Senator Day declare to a press conference that the Senate would need two weeks for report stage and third reading. Why would he do that, unless it was part of a plan of delay? We can sit until midnight to debate the bill, sit Mondays, Fridays and weekends. I doubt this would be acceptable to the opposition, who will use the rules to string out debate by means of adjournment.

Would I be cynical if I wondered out loud whether the Liberal game plan was to move amendments in the full knowledge that several may not be acceptable to the government? Would I be wrong to wonder out loud if their rag-the-puck strategy includes having the other place reject several of those amendments? They are policy oriented, and that is not the function of this place.

Liberal senators are proposing to give third reading to the bill just before Remembrance Day, in the full knowledge that under the fixed schedule set out in the standing orders of the other place it must break until November 20. The fixed calendar of the other place is working to the advantage of the opposition senators in this place. Unless there is an emergency, such as a major labour disruption, the other place cannot sit beyond December 15, which means the Liberals will only have to delay the bill for another month.

In a perfect world, assuming we send Bill C-2 to the other place this week, we could have had the bill back as early as the evening of November 20, but it would not take much for the Liberals to keep it in the other place for a few days.

The Liberals have made several amendments to the bill, and while some may be accepted by the other place, as I have said, others may not. Indeed, some of the opposition amendments are clearly counter to the intent of the bill, while others could not work without further amendment.

An example of this that I have used before is the opposition amendment to ban from lobbying the hundreds of thousands of Canadians who work in any capacity for employers that do business with the government. This amendment failed to establish a proper exemption regime for those who are not public office-holders.

I expect this amendment would either have to be struck from the bill or dramatically changed to provide some sort of an exemption regime. Even with an exemption regime there is a danger that the sheer volume could grind the process to a halt.

The Hon. the Speaker: I regret to advise that the honourable senator's time has expired.

Senator Comeau: We agree to an additional five minutes.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Stratton: Thank you very much.

With the bill returned to the Senate and the clock down to little more than three weeks or less, the Liberals in this place could then employ new tactics to keep the clock ticking. They could spread out debate by continuing to adjourn it. They could refer the bill back to committee and then force additional testimony that could stretch into mid-December. They could introduce amendments with the knowledge that they would be unacceptable or unworkable. They could insist on amendments that they were told in committee would be unworkable in practice. They could even send their staff out — I do not like this one — to shop for kazoos.

They could then, on December 15, send the bill back to the other place insisting on but one amendment, that the financing provisions not take effect until January of the year following Royal Assent. They will, at this point, have beaten the clock and their new leader will be able to host \$5,000 cocktail parties in early January.

I do not think I am giving the Liberals any new ideas here. Some of the opposition senators were around in the period between 1984 and 1990 when Senator Murray led the government and a Liberal opposition controlled the Senate.

Honourable senators, I sincerely hope that I am wrong, but it is hard to believe there is not some kind of underlying strategy behind the foot-dragging we have seen to date.

Senator Fraser: Would Senator Stratton take a question?

Senator Stratton: Yes.

Senator Fraser: The honourable senator said in his remarks that some of the witnesses in committee brought little to the table. Would he care to tell us which witnesses were not worth hearing?

An Hon. Senator: The green hat.

Senator Stratton: I absolutely refuse to get personal. There has been a physical description of one individual, and I do not want to go there. The same applies to other witnesses; I do not want to denigrate anyone who was there.

Hon. Terry M. Mercer: Honourable senators, it is interesting that I am speaking today. Three years ago today, Her Excellency the Governor General called me to this place. It is my anniversary.

Hon. Senators: Hear, hear!

Senator Mercer: She did a fine job.

Honourable senators, it is a pleasure for me to rise to speak at third reading of Bill C-2, the proposed federal accountability act.

While much has been said here and in the other place about the effectiveness of this bill and the outcome it will produce, I will focus my comments on one section of the bill that I believe many of senators may also have issues with.

As senators, we have the duty to examine bills, which may or may not become law, in our committees. Those committees do their work and do it well. In fact, with regard to Bill C-2, the Standing Senate Committee on Legal and Constitutional Affairs heard from 140 witnesses, all of whom I think were credible individuals, over 98 hours of meetings. If the Commons had only heard as many people and had taken as much time, maybe we would not have all these amendments.

Our committee's members concluded, sometimes unanimously sometimes not, that the bill contains flaws and requires amendments in order to reflect how we can improve transparency and encourage trust in all government offices and procedures.

The way in which this place and our committees work reflects the purpose of the Senate. I believe it is a purpose that all senators from both sides of this place have fulfilled when it comes to Bill C-2.

My main concern, honourable senators, is that we all agree that the bill's intent should be to increase the public's faith and confidence in government. In reality, it does not. In certain parts it hardly recognizes the important work that is already taking

place. Apparently, Canada's new government has little faith in its current set of public office-holders, federal prosecutors and law enforcement officers. They are already doing their jobs, and I think doing them well.

I am no expert in legal matters, but it seems to me that common sense has not been used in proposing a certain section of the bill. I have always taken a common sense approach to matters concerning the laws we are examining, and I will continue to do so with Bill C-2.

Honourable senators, I speak of Part 3 of this bill; specifically, the establishment of a director of public prosecutions. This part gives the authority to that office to initiate and conduct criminal prosecutions on behalf of the Crown. Is this not something that the Attorney General can, through the current apparatus of government and the RCMP, already do?

Honourable senators, I will read a paraphrased excerpt from the legislative summary provided by the Library of Parliament for Bill C-2.

• (1510)

The director of public prosecutions acts under and on behalf of the Attorney General of Canada and is considered the Deputy Attorney General for the purpose of exercising his or her powers, duties and functions. The director of public prosecutions has the following enumerated responsibilities: initiating and conducting prosecutions except where the Attorney General has assumed to conduct of them; intervening in matters of public interest that may affect prosecutions or investigations except where the Attorney General has decided to intervene; and carrying out any other compatible power, duty or function assigned by the Attorney General. Those are a lot of exceptions.

It appears that the Office of the Auditor General could very well entrust its several thousand Crown prosecutors and staff and the RCMP to do the exact thing this section of the bill is proposing. This system exists already and exists for a purpose, the very purpose that Canada's "new government" seems to think does not work well enough for them. In fact, the government goes on to set out transitional provisions with respect to the operations of the office of director of public prosecutions.

Until the appointment of the director of public prosecutions, the current Assistant Deputy Attorney General (Criminal Law) will act as director of public prosecutions and they may choose two deputies of public prosecutions until the appointment of the director of public prosecutions under the new act.

What a mouthful! Again, if the department can already do the job, why are we considering another level of bureaucracy? However, honourable senators, we must ask ourselves, why is this being proposed in the first place? I say, "If it ain't broke, don't fix it." I do not think it is broken.

We can make many comparisons to our American friends in recent weeks with policy announcements and backroom deals that smack of U.S. policy, not Canadian policy. I now recall the name that senators all remember as well, Mr. Kenneth Starr, the American lawyer and former judge who was appointed to the Office of the Independent Council to investigate such things

as Whitewater and the Monica Lewinsky scandal. Many used the words "witch hunt," "sensationalism" and "opportunistic" when asked about the job he was doing.

Do we not see similarities between that position and the one this bill proposes? The primary objective of the proposed director of public prosecutions is to ensure that prosecutions, under federal law, operate independently of the Attorney General of Canada and the political process. Do they not already? The Attorney General, a cabinet minister in the government, should, in all full faith and conscience, make decisions based on the law and specifically on advice he or she receives from their advisers. The law is the law.

Therefore, it seems hard to believe that a government would not have faith in one of its own ministers to apply the law in the way it is meant to be applied and not based on a personal or political decision-making process. We have hardly had a problem in the past with this system and now all of a sudden we do. No one has been able to give me a case where the Crown prosecutor system or the RCMP have failed to do their jobs properly.

Honourable senators, if Canada's "new government" has general concerns regarding the conduct of Canadian Crown prosecutors or the RCMP, let it say so. Let it not hide behind a section of a bill that in essence says the government does not think its own employees are doing a good job.

This new office of director of public prosecutions will not guarantee impartiality or accountability and will only serve to add a level of bureaucracy that Canada's "new government" can fill with its own cronies.

Honourable senators, while the director of public prosecutions would seemingly avoid political interference in the system, I contend there is a dangerous possibility it will do just the opposite. Since this bill is entitled "the federal accountability act," is this not something we are trying to avoid?

MOTIONS IN AMENDMENT

Hon. Terry M. Mercer: Honourable senators, since the current system works well and should not be changed in this manner, I move that Bill C-2 be not now read a third time but that it be amended in the following clauses: 40, 121 to 140 inclusive, and 273.

This motion amends the bill in the following ways: First, clauses 121 to 140 are the clauses that enact the director of public prosecutions act and related transitional provisions. My amendments would delete these clauses. Second, my amendments include a wording change to clause 40 to accommodate the removal of the director from Elections Act prosecutions. Third, clause 273 would also be deleted as it adds the office of the director to the Financial Administration Act.

Honourable senators, I will ask your indulgence and request that you dispense from the obligations of having me read all of the individual amendments into the record as I am proposing 22 of them. I would assure honourable senators that these amendments remove the director of public prosecutions from the bill and leave everything else intact.

Senator Stratton: I think if we have 22 amendments, the chamber should hear all 22.

Senator Mercer: If you have the time, I have the energy.

It is moved that Bill C-2 be now amended —

The Hon. the Speaker *pro tempore*: Point of order, Senator Baker.

Hon. George Baker: On a point of order, there are two ways that an amendment such as this can be brought in. One is by reading into the record every single instance, and the other way is simply by outlining what the amendment is and applying it to certain specific sections of the bill. The latter would take about 60 seconds, whereas the former would take at least 20 minutes. I suggest the latter and that the honourable senator be given permission not to have to read every single amendment into the record but do it in a shorter form, or let us accept that the words “director of public prosecutions” would be removed entirely from the bill.

The Hon. the Speaker *pro tempore*: Honourable senators, to dispense of reading the amendment, I need leave. Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Continuing debate.

Senator Baker: I have a few words to say, Madam Chair, before another honourable senator of great reputation in this chamber is about to, as I understand it, move further amendments.

I would like to make specific reference to the speech just given and the amendments proposed by the honourable senator. Initially, I supported that position, and I think that a great many members of the committee did when the committee heard the evidence and prior to hearing all of the evidence. As the honourable senator was speaking, I was thinking that there is good reason to support him in his proposal. However, after listening to all of the evidence, I will instead support the section in the bill as proposed by the government with the amendments proposed by the committee.

I want to make reference to the reason that I think the honourable senator has for making the proposal that he is making. It jumped out at me when I looked at the bill. The scheme of the bill is that there are commissioners who shall conduct investigations. If any violations of an act of Parliament are found, then charges shall be laid — in a specific instance by the director of public prosecutions. That is, it is the director of public prosecutions who will make the judgment as to whether or not charges will be laid, and it is the director of public prosecutions then who will prosecute the charge.

• (1520)

As we all know, and as was pointed out by Justice Binnie of the Supreme Court of Canada in several judgments, there is what is called a hard, objective second look in our system that is done by the Crown prosecutor. Separate from the police who investigate and lay the charge, we have that objective second look built into our system, and which is different from the U.S. system. Why?

Because in the U.S. system there are other protections, which are perhaps greater protections in that an individual can plead the Fifth Amendment. In other words, a person does not have to answer a question. In Canada, he or she must.

In each one of these cases of the commissioner appointed under this bill, one must answer the questions. It is compelled testimony. If I can just find the first instance, which is the same as all the other instances, it is on page 26 of the bill. It says that the commissioner has the same power as somebody under the Public Inquiries Act — in this case,

...to compel them to give evidence as a court of record in civil cases.

It is the same thing; it is the superior court. In Newfoundland, it would be the Supreme Court or it could be the Federal Court.

The commissioner has the power to compel testimony. What is the protection, then, given to you or to anyone else under investigation by any of these commissioners? That is found in the next part:

Information given by a person under this section is inadmissible against the person in a court or in any proceeding, other than in a prosecution of the person for an offence under section 131 of the Criminal Code (perjury) in respect of a statement made to the Commissioner.

That is our protection built into the scheme. In other words, there are these four commissioners investigating each one of these cases. If they take testimony, which is compelled testimony, a person must answer. If he does not answer, he will be charged, or could be charged. Just as in a court of law, he must answer the question. The protection offered, then, is that whatever that person says cannot be used against him in a future proceeding, except one for the purpose of perjury, under section 131 of the Criminal Code.

If the commissioner finds, on reasonable grounds, that the person violated an act of Parliament, then he consults with the director of public prosecutions. In the case of the Elections Act, as we pointed out, the director of public prosecutions makes the decision whether charges will or will not be laid, and then carries out the prosecution.

That removes a protection, does it not, in the Canadian system of that hard, objective second look? How can there be an objective second look if the director has taken the first look and made the first decision? Just on its face, that would violate a principle in bringing in a director of public prosecutions who will investigate and determine whether reasonable grounds exist to lay a charge, and then carry on and conduct the prosecution.

The reason that this is so important — and I was thinking about it while Senator Mercer was speaking — is that the protection given to public office holders, cabinet ministers, et cetera — people who are investigated by the commissioners — in compelled testimony is that what they say cannot be used against them in a future proceeding. Unfortunately, that is not true, is it?

Since about 1990 in this country, the interpretation of that section has been that it is true that what you say cannot be held against you; the information cannot be held against you, as

Senator Austin would know in the great case of the *British Columbia Securities Commission v. Branch*, in which the determination was made by the Supreme Court of Canada that not only can the information not be used against you, but any evidence derived from that information cannot be used against you.

However, what you say can be used to impugn your credibility. In other words, what you say before one of these commissioners can be taken word for word in a future proceeding and can be used to impugn your credibility.

Honourable senators, one's credibility is a pretty important thing. If you are a cabinet minister or public office holder who is brought before the court and charged with something, on the decision as to whether or not you will take the stand in your own defence, what will come into play is whether or not somebody can impugn your credibility on exactly the same evidence that you gave in compelled testimony under each of these interviews being made by a commissioner.

There is only one exception to that that I can think of that I read recently, and that is the case of *Gagliano v. Canada* last year in connection with the Gomery Commission, in which Mr. Gagliano's lawyer wanted to cross-examine a Mr. Charles Guité. That matter went to the Federal Court because Justice Gomery ruled against it, saying that we have parliamentary privilege here and that anything said before a committee cannot be used, even to impugn your credibility, which is what the lawyers requested.

That is the accepted law in Canada, that under compelled testimony, the derivative evidence cannot be used against you but the words that you say can be used to impugn your credibility in a future proceeding. In other words, if you are charged under the criminal law with something, then you better think carefully before you take the stand if your credibility can be impugned by evidence given before a commissioner established under this act.

Therefore, I think the bottom line, honourable senators, is that the inclusion of a director of public prosecutions — I believe, on its face — removes a protection in our system that is there in the U.S. system. How many times do we turn on the television and watch a fellow say, "I refuse to answer on the grounds that it will incriminate me"? We hear that during every single public hearing of a Senate committee in the U.S. We cannot do that in Canada. These were our protections. In one case, in the case of a director of public prosecutions, that protection is being taken away under this act. In the other case, in a plain reading of all of these types of legislation that we have, every single professional body in Canada has the protection, where there is compelled testimony, not to have that testimony used against an individual in a future proceeding. That protection is there. If you look at doctors, nurses, lawyers, accountants, or the Unemployment Insurance Act or the Social Assistance Act that I am more familiar with over the years, and it is there.

However, the law has changed to the point where it is no longer a good protection. Therefore, we should be very careful in removing a protection in the law by establishing a director of public prosecutions who can now initiate a prosecution. That is unheard of in any act of Parliament, where a prosecutor can

initiate a prosecution, establish beyond a reasonable doubt that charges should be laid, give orders that charges be laid and then prosecute the person in the proceeding.

I must say that the Honourable Senator Mercer's argument does have a great basis, as far as I am concerned.

• (1530)

The Hon. the Speaker pro tempore: Honourable senators, it is moved by Senator Mercer, seconded by Senator Baker, that Bill C-2 be not now read the third time but that it be amended:

(a) in clause 40, on page 56, by replacing lines 7 to 9 with the following: "Statements may be produced by the commission for the purpose..."

Some Hon. Senators: Dispense.

The Hon. the Speaker pro tempore: Are there other honourable senators wishing to speak to the motion in amendment?

[Translation]

Hon. Marie-P. Poulin: Honourable senators, since being tabled in Parliament on April 11, Bill C-2, which was to be the centrepiece of the government's legislative policy, has lost its lustre as a result of the stream of witnesses who appeared before the committees of both chambers. This voluminous document covers everything from access to information to restrictions on election financing.

When introduced — as mentioned previously by my colleagues — the bill consisted of 234 pages and five major parts. It amended some 100 federal statutes, created eight new organizations and positions, and gave additional powers to current officers of Parliament.

It extended the application of the Access to Information Act and the Privacy Act to include the following agents and officers of Parliament: the Auditor General, the Information Commissioner, the Privacy Commissioner, the Official Languages Commissioner, the Chief Electoral Officer, the Public Sector Integrity Commissioner, the Director of Public Prosecutions and the Commissioner of Lobbying. The bill also covers all Crown corporations and their wholly owned subsidiaries, the Canadian Wheat board and five foundations.

The enormity of the bill cannot be underestimated. It is thanks to the Standing Senate Committee on Legal and Constitutional Affairs that the flaws of the bill were noted and amendments proposed to correct them. From the outset, I have been interested in the bill within the bill, the purpose of the provision in Part III being to enact the Director of Public Prosecutions Act.

This measure, even with its amendments, would transform our traditional prosecution system by establishing a new departmental structure outside the Minister of Justice. Upon examining this aspect of Bill C-2, we cannot help but wonder what the government was trying to achieve with this new legislation that a simple amendment to the Department of Justice Act could not have done.

According to the government's action plan, the director of public prosecutions, the DPP, is important for transparency and for the integrity of the federal justice system and for ensuring that prosecutions under federal law operate independently of the Attorney General of Canada and of the political process.

It would therefore be beneficial to review our current system. The Federal Prosecution Service has defended the principles of integrity and has given Canada a justice system of which we can be proud, and which works uncompromisingly in the interest of nation-wide justice.

The numbers speak to the federal presence in the justice system: some 700 employees in the Federal Prosecution Service, and nearly 250 law offices representing 800 lawyers pleading cases in regions where there is not a permanent federal presence. By the government's own admission, the transition from the Federal Prosecution Service to the Office of the Director of Public Prosecutions will not change much.

Honourable senators, we have here a federal institution that has, throughout its remarkable history, defended in an exceptional manner the integrity and independence of prosecutions, without having to overhaul the Department of Justice.

We are told there will be a one-time cost for relocating the staff and materiel from the Federal Prosecution Service at the Department of Justice to a site to be determined where the Office of the Director of Public Prosecutions will be. What will be the cost? There are many costs associated with implementing all the provisions of Bill C-2. Financially the cost will be \$57 million, but how much of this amount will the taxpayers have to absorb for a government bill that essentially accomplishes nothing?

They tell us it will cost \$23 million, and I can only assume these estimates will be exceeded. What about human and professional costs? Interpersonal relationships will be sacrificed because of this forced reintegration. What will happen to the ongoing working relationship between the Federal Prosecution Service and the Department of Justice's own policy development branch?

Honourable senators, allow me to summarize Part 3 of this bill. The act would create an Office of the Director of Public Prosecutions independent of the Department of Justice. The act would give the Director of Public Prosecutions the power to bring legal action for offences against federal acts and regulations, including the new fraud provisions that the government proposes to integrate by amending the Financial Administration Act. The act would give the Director of Public Prosecutions the power to make final binding decisions about whether to pursue legal action unless the Attorney General orders otherwise by written public notice.

The act requires the Director of Public Prosecutions to submit an annual report to the Attorney General to be tabled in Parliament. The clause introducing the Director of Public Prosecutions is in Part 3 of the Summary of Bill C-2 and reads as follows:

...enacts the Director of Public Prosecutions Act which provides for the appointment of the Director of Public Prosecutions and one or more deputy directors. That act

gives the director the authority to initiate and conduct criminal prosecutions on behalf of the Crown that are under the jurisdiction of the Attorney General of Canada. That act also provides that the director has the power to make binding and final decisions as to whether to prosecute, unless the Attorney General of Canada directs otherwise, and that such directives must be in writing and published in the *Canada Gazette*. The director holds office for a non-renewable term of seven years during good behaviour and is the Deputy Attorney General of Canada for the purposes of carrying out the work of the office. The Director is given responsibility, in place of the Commissioner of Canada Elections, for prosecutions of offences under the Canada Elections Act.

Highly significant words are used in this statement. First, the words "initiate" and "conduct"; second, the director's power to make binding and final decisions as to whether to prosecute, unless the Attorney General of Canada directs otherwise; third, the requirement that the Attorney General's directives be published; fourth, the seven-year term of office which is non-renewable; and fifth, the responsibility for prosecuting offences under the Canada Elections Act.

It is important to recall that, within the Federal Prosecution Service, the principle of the independence of the Attorney General is firmly entrenched in our legal system, widely respected, and carefully safeguarded.

Crown counsel exercise their independence as the representative of the Attorney General. As such, the independence of Crown counsel is a delegated independence, and Crown counsel retain a significant degree of discretion in individual cases. They are accountable for their decisions.

• (1540)

Thus, the Attorney General is accountable to Parliament and the public for decisions taken in his name.

The interaction of the principles of independence, accountability and consultation mean that what is protected is a system of prosecutorial decision-making in which the prosecutor is an integral component. A large measure of independence is conferred on Crown counsel, but absolute discretion is not.

Although, in Canada, the Minister of Justice and the Attorney General are now joined into a single portfolio, the functions of the Attorney General are unique, given that, as a member of Cabinet, the Attorney General is regarded as an independent officer, exercising responsibilities similar to those of a judge.

The policy manual of the Federal Prosecution Service specifies this by indicating that the absolute independence of the Attorney General in deciding whether to prosecute and in making prosecution policy is an important constitutional principle in England and Canada.

As the Supreme Court of Canada found in the case of *Krieger v. Law Society of Alberta*:

It is a constitutional principle in this country that the Attorney General must act independently of partisan concerns when supervising prosecutorial decisions.

In 1925, Viscount Simon, Attorney General of England stated:

I understand the duty of the Attorney General to be this. He should absolutely decline to receive orders from the Prime Minister, or Cabinet or anybody else that he shall prosecute. His first duty is to see that no one is prosecuted with all the majesty of the law unless the Attorney General, as head of the Bar, is satisfied that the case for prosecution lies against him. He should receive orders from nobody.

Thus, honourable senators, the independence of the Attorney General, and the policies and legislation surrounding the Attorney General's office are firmly anchored, to such a degree that the proposal for an Office of the Director of Public Prosecutions has left more than one witness confused.

As a former Deputy Minister, Arthur Kroeger declared before the committee, and I quote:

I am not clear as to what problem it intends to solve. You have a Deputy Minister of Justice; you have an Assistant Deputy Minister, whose function is prosecutions. Virtually all prosecution is handled under the Criminal Code and administered by the provinces. I am puzzled as to why the position was necessary.

Under the new bill, the Director of Public Prosecutions or DPP will continue to prosecute offences that come under federal jurisdiction, but will have expanded duties, specifically under new fraud provisions resulting from amendments to the Financial Administration Act that create offences for fraud against the Crown by agents and employees of the government. As I mentioned earlier, the DPP will also prosecute offences under the Elections Act.

When we look at the government's reasons for changing the judicial system, it is difficult to follow its logic. On the one hand, the government is saying that there are no gaps in the current system. The Associate Deputy Minister of Justice told the Standing Senate Committee on Legal and Constitutional Affairs that the system was a faithful guardian of the prosecutor's independence.

On the other hand, the government is imposing new functional responsibilities and a new appointment process and is dividing the Department of Justice in two. We are being told that this will not change federal-provincial relations at all.

We are being told that, in fact, this is nothing but a name change to give more credibility to openness, transparency and accountability, but in practice, it is creating a new ministerial bureaucracy.

We are being told that the Attorney General will remain independent, but can cancel a decision by the DPP, provided that the Attorney General publishes such directives — but not, apparently, the reasons for those directives. Publication can be delayed if the Attorney General deems it appropriate.

Despite everything, however, the DPP must always submit an annual report to the Attorney General for tabling in Parliament.

Honourable senators, readers of Bill C-2 can be forgiven for feeling confused about the government's intentions. As I said, we are being told that nothing will change. Yet Michel Bouchard,

from the Department of Justice, asked "whether we had to wait for a scandal before creating an institution which, in appearance and reality, gives greater independence to the Director of Criminal Prosecutions".

The Minister of Justice and Attorney General told the Standing Senate Committee that the government was not insinuating "that prosecutorial independence at the federal level has been violated....We are not here to correct a problem that has already occurred..."

[English]

The Hon. the Speaker: I regret to advise that the honourable senator's time has expired.

Senator Poulin: May I request an extension?

Senator Comeau: Five minutes.

[Translation]

Senator Poulin: I will finish the quote: "We are not here to correct a problem that has already occurred; we are here to prevent problems from arising in the future."

The question here is does the government have the ability to see into the future? If it does, why not prepare for it in the simplest and most direct manner — by amending the Department of Justice Act?

Honourable senators, I have identified several issues that are confusing. The lack of time prevents me from raising all of them. But a very important point was mentioned by Senator Baker. A troubling provision of this legislation is that the Director of Public Prosecutions "initiates and conducts prosecutions on behalf of the Crown, except for those under the jurisdiction of the Attorney General".

The Supreme Court of Canada deemed that the separation of the duties of the police and of the Crown is a well established principle in our system of criminal justice and that this principle must be protected at all costs.

[English]

Hon. Lowell Murray: Honourable senators, I believe I have read the transcripts of all or almost all of the meetings held by the Standing Senate Committee on Legal and Constitutional Affairs concerning this bill, and I came away from the exercise full of admiration for the committee's prodigious hard work, thoroughness, attention to detail and its attention to principle. Regardless of what one's opinion may be of various recommendations in the committee's report, the committee members cannot be faulted for their dedication, and this is something from which we can all derive some pride and satisfaction.

What we have before us is the bill as amended at report stage incorporating the recommendations of the committee. I intend to propose several amendments at third reading, which will have the effect of undoing some of the amendments adopted yesterday, and indeed undoing some of the original provisions of Bill C-2. I will tell you what the amendments are and, with your indulgence, I will then explain why I am proposing them.

First, I would restore the Public Appointments Commission to the version originally proposed by the drafters at first-reading stage of this government bill. With my amendment, the appointment of such a commission and its mandate would be entirely within the discretion of the government. Clauses defining the mandate and giving Parliament a role in appointments to the commission would be deleted by my amendment.

Second, in the same spirit, I would delete from the bill the ludicrous and convoluted consultative and approval process for the appointment of a director of public prosecutions and leave the decision where it belongs, that is, with the Governor-in-Council, on the recommendation of the Attorney General, and let him and them answer for it.

• (1550)

Third, I would delete from the bill all the provisions respecting political financing. Fourth, I would delete from the bill the main core of the amendments to the Access to Information Act and to the Privacy Act.

In proposing this surgery on the bill, I will unburden myself of some concerns that I have been nursing for some time, concerns that did not originate with this bill or even with this government but have come to a head now, in the sense that debate on this bill offers an opportunity to ventilate them.

One such concern is that, in our effort improve accountability, we are blurring the distinction between government and Parliament and, in so doing we are undermining both government and Parliament in their essential but different roles. Gladstone's admonition to his parliamentary caucus is worth repeating and remembering. He said, "You are not here to govern; rather, you are here to hold to account those who do." How can members of the House of Commons or Senate hold government accountable for its decisions if we are implicated in decisions that are the proper prerogative of the executive government? The short answer is that we cannot.

The proposed public appointments commission is a case in point. I have never regarded the idea as much more than a cosmetic "cover" for appointments that are really patronage appointments in the literal and proper sense of the term. The House of Commons committee proceeded to add what a famous Canadian might have called "a fig leaf of legitimacy" to this proposed body by purporting to draft a mandate for it, and compounded the felony by an amendment requiring the Prime Minister to consult the leader of every recognized party in the House of Commons prior to appointing a person to the commission. Not to be outdone, the Senate committee recommends that creation of the commission be mandatory. In other words, it is not something that the Prime Minister "may" do but, rather, that he "shall" do.

The amendment that I will present will make the creation and appointment of such a commission entirely discretionary. If the Prime Minister thinks he needs such a commission to help him out let him proceed, but let us leave Parliament out of it. Parliamentarians are not here to help give him cover for the exercise of cabinet prerogatives. Parliament is here to hold him and his cabinet accountable.

Another example is in the creation of a directorate of public prosecutions. This may or may not be necessary — probably not — and it may or may not turn out to be an improvement on the present system — who knows? It is the process to which I want to draw your attention. The Federation of Law Societies is to be involved, along with a representative of each recognized political party in the House of Commons, the Deputy Ministers of Justice and of Public Safety, and a person selected by the Attorney General. There is a winnowing of a list of candidates which then goes to a parliamentary committee, then back to the Attorney General and the cabinet.

What should happen in our system of government is that the Attorney General consults as he sees fit, reports to his cabinet colleagues and recommends the name of a person to occupy this position. If he and the government appoint a bum, they will "wear" it. However, if a bum is appointed, after the elaborate process spelled out in this bill, whom does Parliament and the country hold accountable or responsible: The Federation of Law Societies; the representatives of each registered political party in the Commons; the other deputy ministers; the parliamentary committee? The answer is "all of the above," which means everyone is responsible, which means no one is responsible.

Was it Gilbert and Sullivan who wrote, when everybody is somebody, then no nobody is anybody?

Far from supporting the Senate committee's recommendation to further dilute the political responsibility of the minister, I would place the onus back where it belongs, solely with the Attorney General and his cabinet colleagues. That is the effect of the amendment I will move.

Colleagues, this bill purports to introduce further reforms to our political financing and elections laws. The committee has recommended amendments to the government's proposals. I am more persuaded by the argument of Professor Peter Aucoin, who told the committee that those proposals have no place in the omnibus Bill C-2 and should be considered as part of an overall examination of elections and political financing law. My amendments would delete not only the amendments proposed by the committee but also all the provisions of the bill touching on political financing and elections.

For more than 40 years, I have been a close observer and supporter of reforms to our political process, including those advocated by our friend Senator Di Nino for some years. I well recall the arduous, perilous and ultimately successful efforts of the late Nelson Castonguay, the Chief Electoral Officer of the 1960s, to put an end to the multi-partisan shenanigans involved in the periodic redrawing of the electoral map and to create an impartial process respectful of electoral democracy. That was formally agreed to by Parliament at the initiative the Pearson government. In the years that followed, Parliament imposed election spending limits on candidates and parties, brought in post-election rebates to eligible candidates and parties, required disclosure of campaign contributions and provided generous tax credits for contributions to political parties and candidates. We have regulated so-called third party spending in campaigns and we have tried to ensure fair access by all competitors to the use of television and radio advertising.

More recently, we have placed limits on political contributions by individuals and corporations; we are financing political parties directly from the public treasury; and we are regulating leadership campaigns and the activities of constituency associations. From trying at the beginning to guarantee fair election practices, we have somehow come to the point where we are regulating, perhaps trying to micromanage the entire political process through a state bureaucracy in Ottawa. We must ask ourselves whether we have gone too far. Have we bureaucratized the system to the point where people are turning away from party activity in their ridings, something that used to be socially and intellectually attractive as an exercise in civic participation? Have we imposed an impossible burden of regulation on the volunteers in 308 constituencies across the country who assure the vitality of our parties? If so, the time has come to call a halt, to step back and to reconsider what we have done.

Honourable senators, I do not believe it is possible or even wise to try to make significant changes before the next election. However, we need to ask ourselves hard questions. How much public funding of the political process is necessary? How much is desirable? How much state intrusion and regulation of the activities of political parties, including party conventions, nominating contests and leadership contests, is necessary or desirable? Is over-regulation and bureaucratization leading to excessive centralization within the parties? Will limits on contributions inhibit some parties from expanding beyond their particular demographic, geographic or cultural base? Is this fair? Is it democratic? The examination of our political financing and election laws that I believe is necessary must go forward, in my view, and my amendment would remove from Bill C-2 the various provisions relating to political financing in the hope of a principled examination of this whole field, a principled examination of our electoral and parliamentary democracy, by people who have relevant experience in it.

Over the years, Parliament has brought into being a variety of institutions sometimes erroneously called Officers of Parliament or Agents of Parliament. They include the Auditor General, the Commissioner of Information, the Commissioner of Privacy, the Commissioner of Official Languages and the Chief Electoral Officer. Over the years, we have enlarged the mandates of these officers, increased budgets and generally supported their activities. Bill C-2 would add several others, including a commissioner of lobbying and a procurement ombudsman. Here, again, I believe Parliament needs to step back and examine the history of these offices individually and collectively in terms of their impact on our governance and on our system of government. We need to ask whether some of these agents and servants of Parliament may be on the way to becoming autonomous actors obtaining their validation from advocacy groups, professional organizations and the media. Are they slipping away from Parliament as the executive government slipped away from Parliament over a period of time? I believe we need to be able to recognize when we see it emerging and beware: a culture of zealotry, a tendency to empire-building, a zero-sum attitude in pursuing values that do need to be reconciled with other, also valid, principles and values.

Parliamentarians when in opposition love these offices. When in government, they get a clearer idea of how, even with the best of intentions, the activities of these offices can have a negative impact on good governance. In this connection, the committee's

recommendation, in the interests of access to information to amend the bill in order to oblige the Auditor General as well as government departments to cough up draft audits and other internal preliminary working documents, is, in my opinion, excessive in principle and would be unworkable and counterproductive in practice.

• (1600)

The "Observations" document tabled by the committee last Thursday is critical of the provisions of Bill C-2 relating to the Access to Information Act. The Deputy Commissioner of Information is quoted as describing the process as "smoke and mirrors." I would remove from the bill virtually all the amendments to the Access to Information and Privacy Acts pending a more fundamental examination of the kind I believe is necessary. The government has already tabled in the House of Commons a discussion paper on the Access to Information Act; therefore, the amendments to this act seem premature. The Privacy Commissioner wants the coming into force of amendments affecting her office to be delayed.

Therefore, honourable senators, I have four sets of amendments at third reading. If you agree to proceed as Senator Mercer proceeded, I will simply indicate what is involved here without going through the deletion of each clause that is to be deleted.

MOTIONS IN AMENDMENT

Hon. Lowell Murray: With regard to the public appointments commission, I move, seconded by the Honourable Senator Atkins:

That Bill C-2 be not now read the third time but that it be amended in clause 227 (a)...

— and I will provide the written copy in English and French to the table.

With regard to the Canada Elections Act and political financing, I move, seconded by the Honourable Senator Atkins:

That Bill C-2 be not now read the third time but that it be amended in clauses 39 to 64, and 108, on pages 52 to 65, 93 and 94.

That set of amendments I will also hand to the table.

With regard to the director of public prosecutions, I move, seconded by the Honourable Senator Atkins:

That Bill C-2 be not now read a third time but that it be amended in clause 121, and the detail is contained in the motion in amendment.

With regard to the Access to Information and Privacy Acts, I move, seconded by the Honourable Senator Atkins:

That Bill C-2 be not now read the third time but that it be amended in respect of a number of clauses and a number of lines that are detailed in the motion I am now handing to the table.

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Murray, seconded by the Honourable Senator Atkins, that Bill C-2 be not now read the third time but that it be amended in clause 227 — dispense?

Hon. Senators: Dispense

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Murray, seconded by the Honourable Senator Atkins, that Bill C-2 be not now read the third time but it be amended (a) by deleting — dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Murray, seconded by the Honourable Senator Atkins, that Bill C-2 be not now read the third time but that it be amended in clause 121 — dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Murray, seconded by the Honourable Senator Atkins, that Bill C-2 be not now read the third time but be amended in clauses 91, 98, 108 — dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Is there further debate?

Hon. Daniel Hays (Leader of the Opposition): May I pose a question to Senator Murray, or are we out of time?

The Hon. the Speaker: We are out of time. Senator Murray may wish to ask for an extension of time.

Senator Murray: With the approval of the house, I would ask for an extension.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes.

Senator Hays: Honourable senators, I congratulate Senator Murray on his speech and on his amendments. They would take the government back to an earlier stage in the development of the accountability bill, which I think the opposition side tried to draw attention to, in the case of political financing for instance, looking at the effect of the restrictions on political contributions that are now in place and would have permitted the Chief Electoral Officer and his office to have provided a report.

Having said that, it was difficult for the opposition to not accept some of the proposals, because of the policy issue that came forward.

My question is on the appointment of a director of public prosecutions and the requirement of an appointments commission coming into existence and not being discretionary. The other side of what I think it is that the honourable senator presented is that the government should be responsible for the appointments that

they make and bear that responsibility at election time if they have made a bad appointment.

Going back, surely there is some merit in trying to ensure that the appointments, when made, are the best that they can possibly be. These additional steps of consultation, which are required in CSIS and so on, may well serve the purpose of producing the best appointment possible. That is something with which the public interest is well served. Would the honourable senator comment on that?

Senator Murray: I will simply say that we have been going too far down that road in relation to some of the statutes that the honourable senator has already mentioned. I believe that our system has become very considerably out of whack in recent years. I would leave the executive prerogatives where they belong, with the executive government, and I would have Parliament, particularly the House of Commons but also the Senate, reclaim the prerogatives that are ours, and that we have allowed to atrophy over the years. That is the principle on which I am operating.

While I appreciate the honourable senator's point that an exception might be made in this or that case, at the end of the day what happens is that we are implicated in matters where we should be holding the government accountable, not involving ourselves in those.

On the matter of the Canada Elections Act and political financing, I simply want to say that the examination that I believe we need to make is far more fundamental than the detailed examination that the Chief Electoral Officer is making of exactly how the law has been applied in a given instance. The examination that we must make is far more fundamental than that, and covers almost all aspects of our electoral democracy. It ought to be made by people with experience on the front lines.

Senator Hays: One last point, if there is time, has to do with the process by which the Senate ethics officer is appointed. Would Senator Murray agree that that is an appropriate process?

Senator Murray: Yes, I support the recommendation of the committee on that matter. I have not seen or read in the evidence before the committee a single argument to persuade me that it is wise or prudent, nor will it be very effective, to have one ethics officer covering the House of Commons, the Senate and other public office holders.

On motion of Senator Fraser, debate adjourned.

[Earlier]

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to call your attention to the presence in the gallery of a very distinguished member of Her Majesty's Privy Council, our former colleague, the Honourable Senator Alasdair Graham.

• (1610)

[Translation]

THE SENATE

MOTION TO EXTEND WEDNESDAY SITTING AND AUTHORIZE COMMITTEES TO MEET DURING THE SITTING ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of November 6, 2006, moved:

That, notwithstanding the Order of the Senate of April 6, 2006, when the Senate sits on Wednesday, November 8, 2006, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, November 8, 2006, be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to

[English]

MEDICAL DEVICES REGISTRY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Mac Harb moved second reading of Bill S-221, to establish and maintain a national registry of medical devices.—(*Honourable Senator Harb*)

He said: Honourable senators, there is a growing crisis facing Health Canada and Canadians, a crisis that can be easily averted if we choose to take action now. This crisis involves Health Canada's mandate to protect the health and safety of Canadians. This mandate is compromised by the lack of a national medical device registry.

As new and more sophisticated medical devices come to the marketplace, the government must ensure that Canadians are not only provided with safe and effective products but also that they are informed should these devices fail. Without a national registry complete with patient contact information, we simply cannot fulfill this responsibility.

Reports indicate that one in 10 Canadians is walking around with some form of medical implant. Perhaps in this chamber, fellow senators, the ratio is slightly higher.

Canada's orthopaedic surgeons are performing significantly more hip and knee replacements than they were 10 years ago, up

87 per cent in fact. Statistics from the United States show us that this trend will continue. By 2030, the number of knee replacements in the United States is expected to increase by 673 per cent and hip replacements are expected to grow by 174 per cent.

It is not just the use of implants that is on the rise. Thousands more Canadians every year use prescribed medical devices such as blood glucose monitors or portable oxygen tanks. An aging population, increased obesity and improved medical technologies are expected to contribute to more widespread use of medical devices.

[Translation]

The term "medical devices", as defined in the Food and Drugs Act, covers a wide range of medical instruments used in the treatment, mitigation, diagnosis or prevention of a disease or abnormal physical condition.

Health Canada reviews medical devices to assess their safety, effectiveness and quality before authorizing them for sale in Canada.

The number of new medical devices issued market authorization by Health Canada in 2005 was 4,284. Unfortunately, honourable senators, the same year, 555 defective medical devices were reported to Health Canada, in spite of extremely rigorous testing and very strict guidelines.

Some devices cannot really be tested until they are in use. Because of the many possible variables, there are sometimes defective devices. The purpose of the bill before us today is to mitigate the impact of such defectiveness.

Under the Food and Drugs Act Medical Device Regulations, manufacturers are required to maintain a registry of patients who receive certain types of implants, such as heart valves, pacemakers and artificial hearts. This information is collected by health professionals with the patients' consent and sent to the manufacturers.

For medical devices other than implants, the manufacturer, the importer and the distributor must keep a distribution registry containing information to authorize a complete and rapid removal of a medical device from the market. Unfortunately, it has been proven that this system is not without flaws.

For example, if a manufacturer, importer or distributor ceases activities following a closure or a bankruptcy or loses distribution data because of an operational failure or unforeseen problems, all distribution records of the device could be lost.

The regulations require that the manufacturer indicate to the Minister of Health any unfortunate incident related to — and I quote — "the failure or deterioration of the device or inadequacies in the labelling or directions for use".

But there is another problem. Health Canada issues these warnings, public health notices and other industry notices as services to health professionals, to consumers and to other interested parties.

When Health Canada receives a notice, it posts the warning on its Web site. Does the consumer stay informed? There is no way to be sure. One thing is for certain, this process alone is not enough to replace a device registry.

[English]

Auditor General Sheila Fraser has warned that as a government, we should be keeping better track of medical devices. In her 2004 March report, the Auditor General stated:

While Health Canada has made progress in important aspects of managing risks related to medical devices before they are made available for sale, it needs to better manage risk after they are available for sale.

Further on, she states:

...Health Canada does not have a comprehensive program to protect the health and safety of Canadians from risks related to medical devices, even though it committed to such a program over a decade ago. Its failure to deliver such a program compromises Health Canada's ability to protect health and safety, which could translate into a growing risk — risk of both injury and liability.

That risk is very real. In fact, patients are suffering as a result, and Health Canada's liability for this suffering is being put to the test in our courts.

I would like to tell honourable senators about a woman named Judi Logan who has become a symbol of the shortcomings within our medical device program. Ms. Logan received a Vitek jaw implant in Hamilton, Ontario, in 1985. Her condition before the implant was relatively minor — a clicking jaw and headaches caused by a condition known as temporomandibular joint syndrome, or TMJ.

Her condition after the implant was a great deal more serious. In 1995, Ms. Logan's implant, or what was left of it, was removed. The Teflon implant had crumbled, causing her immune system to attack her own body. Eight years after the implant was removed, Ms. Logan was going blind in one eye. She has had six surgeries to rebuild her face and jaw, and she was taking 10 pills a day to control the intense pain she suffered.

Ms. Logan's surgeon, who, under the Medical Devices Regulations was required to notify her about the defective implant when the recall came out in 1990, failed to follow up on the safety alert. He is reported to have said that he did not contact her because, he said, he "didn't think it was urgent." In fact, she learned about the recall in a routine check-up at the dentist.

• (1620)

Now Ms. Logan and others have launched a class action lawsuit against Health Canada. She says Health Canada did not do enough to protect her. When her situation was profiled on CBC's *Marketplace*, Ms. Logan summed it up like this:

We got a recall notice for the van. For the springs. But never about the jaw. It doesn't make sense.

[Senator Harb]

Terrie Cowley of the TMJ Association in the United States says that the jaw implant disaster is a case study of how government, professional and business entities failed to protect these patients. Had an implant registry been in place in 1983 when the first Vitek device was implanted, evidence of the problems to come would have been available within six months and further use of the product halted. A minimum number of patients would have been harmed, and all would have at least been notified.

Honourable senators, putting a national medical device registry in place would allow Health Canada to be proactive and specific in the dissemination of information about medical devices that it has approved for use in this country. The registry would ensure that individuals receive quick and reliable information regarding possibly life-threatening malfunctions or the failure of a device from a centralized source.

Let us look for a moment at how the national medical device registry would work. The registry would contain, with their consent — it is important to note that registering on this database would be totally voluntary and up to individual patients — the names and addresses of persons who use implantable medical devices or prescribed home-use medical devices. Individuals would be given the option of providing contact information for safety alerts and/or for medical device follow-up and evaluation.

[Translation]

Personal data in the registry would never be disclosed for any reason without the written permission and informed consent of the person. At the end of the day, the registry would give Health Canada officials the necessary information for contacting patients quickly in the event of a recall or a defective device. Canada expects nothing less and deserves nothing less.

[English]

A number of voluntary registries for medical devices already exist. Currently, there are joint replacement registries here in Canada as well as in Sweden, Finland, Norway, Denmark and Hungary. Registries are also being evaluated in New Zealand, Australia and England. Should this Senate, as well as the House of Commons and the government, adopt the establishment of a national medical registry, we would be the first country in the world to set up such a registry, and it will play an important role in showing the rest how to do it.

Just two weeks ago, an organization known as the Biomedical Research and Education Foundation, or BREF, announced that it was forming a national committee to develop a national medical device registry in the United States. BREF pointed to an explosion of new patents on medical devices, the exponential increase in errors related to devices used and, most important, the injury or death of more than 400 Americans each year caused by medical device failures.

This important initiative is a collaboration between BREF, academia, medical associations, industry and government. It is apparent to me, honourable senators, that Canada could benefit from a similar multi-partner approach to the establishment of a national medical device registry.

There are practical challenges associated with the establishment of such registries, such as data management issues and access and privacy issues. None of these is insurmountable, and I venture to

say that there is a net cost benefit to taxpayers, in particular when we consider the cost to our already overburdened health care system and our legal system if we fail to monitor these devices and those whose lives are affected by them.

Experts back this up. In fact, Dr. William Maloney from the Department of Orthopedic Surgery at Washington University's School of Medicine, is calling for a national registry in the United States. His research showed that if a registry led to an annual decrease of even 5 per cent of the total number of revision hip replacements, it would save more than \$30 million a year. That is for hip replacement repairs alone. Multiply that by the number of devices and complicated repair procedures that could be prevented by an efficient registry system, and the savings for Canadian taxpayers would become that much more apparent.

Therefore the registry, aside from saving lives in the end, will save us money. As Ms. Logan's case illustrates all too clearly, the personal health care and legal costs of inadequate medical devices are monumental and devastating both to the individual and to society.

Honourable senators, I am proud to be joined in this initiative by our colleague Senator Keon. His wisdom and expertise in the medical field add much to this bill and to its goal to help Canadians live longer and healthier lives.

Honourable senators, I look forward to hearing your comments on the establishment of a national medical device registry. Given the statistics, it is very possible that you, or perhaps a family member or friend, will be affected by a faulty medical device in the days or years ahead. I believe it is up to each of us to do what we can today to ensure that the system is in place to prevent what could be a disastrous failure of our public health.

Honourable senators, I ask for your support to move this legislation forward to committee so that we may explore its benefit for the health care system and for the safety of all Canadians.

The Hon. the Speaker: Are there questions or comments?

Hon. Joan Fraser (Deputy Leader of the Opposition): Would Senator Harb take a question? I have two questions, which I will preface by saying that I think this idea sounds immensely attractive. The story that the honourable senator told us about Ms. Logan gives real life to this idea. However, two questions occur to me.

The first is the obvious one: Has the honourable senator any idea how much it would cost to operate this registry? Second, if it is a voluntary registry, does the bill contain provisions to guarantee that people who receive these devices would have to be notified of the fact that they can register, and how they can do it? In other words, would the bill make it obligatory that the system be simplified for those who did wish to register?

Senator Harb: Thank you for those extremely relevant questions. I will deal with the last part of the question about voluntariness.

Health Canada now requires a manufacturer or corporation that sells medical devices to register the names, the service provider or the doctor and the hospital where the implant took

place. It requires them to do that, and it requires them to notify the patient should a problem arise. That system is voluntary because, whether we like it or not, there are some people who do not want to divulge personal information. Therefore, I am using this same principle to say that should a system at the national level be established, we would follow the same criteria because of privacy concerns.

In terms of the cost implications, the U.S. has found that if a system such as a national registry was set up, if that system were to reduce only by 5 per cent of hip replacements alone, it would pay for itself and in fact save the treasury in the U.S. close to \$30 million. That is only on hip replacements. Consider overall replacements, which in Canada amount to about 4,000 a year, and the complications that come as a result of an operation.

• (1630)

Dr. Keon, who is much more experienced than I in this field because he has done many implants, will tell you that the costs as a result of the complications are huge. The net result of it, when you look at the costs of setting up a database that is voluntary, in a sense, versus how much it will save, I would submit that the registry would save money, not cost money.

At the end, if it is done by a multi-party partnership, it is conceivable that the industry would be asked to contribute because right now they are maintaining the registry and must notify, et cetera. There is no reason that they cannot be mandated to contribute as a national registry, and therefore the cost to the treasury would be absolutely minimal.

On motion of Senator Keon, debate adjourned.

INCOME TAX ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-215, to amend the Income Tax Act in order to provide tax relief.—(*Honourable Senator Tkachuk*)

Hon. David Tkachuk: Honourable senators, I will speak today to Senator Austin's Bill S-215. This bill proposes to reduce the lowest marginal tax rate by one half percentage point, and to make slight refinements to the planned phase-in of a higher basic personal exemption.

Bill S-215 is an attempt by the Senate Liberals to introduce a tax cut that they were not able to implement. It was a deathbed repentance that was way too little, too late. Even though the people voted for the other party's tax cuts — our party's — Senator Austin believes they should have the Liberal tax cut anyway because, after all, it is a Liberal tax cut.

I wanted to introduce that second paragraph to allay any suspicion by members opposite that now that we are the government, the departments would be writing my speeches.

If you remember, the same party promised to cut taxes in 1993 by eliminating the GST, and then failed to do so. Now they are attempting to deliver a tax cut after having lost an election. They had many years of surplus budgets, but the tax cuts they did deliver were delivered, in many cases, on the back of artificially high Employment Insurance premiums. Even the Auditor General had to comment on this more than brazen attack on the working people of Canada; the very people who overpaid to balance the books and then overpaid to provide income tax cuts.

The Liberals then imposed a 10 per cent tax on income up to \$40,000 to finance what is generously called Canada Pension Plan reform. They froze the personal exemption on the CPP, which used to rise with the cost of living as well. In years to come, it will be worthless. That is the 13-year Liberal record on tax cuts. Only at the very end — when they were mired in scandal and corruption, handing out envelopes of cash to candidates who had been fraudulently taken from the government accounts and were seriously in danger of losing an election, which they did eventually lose — did they promise to deduct a point on personal income tax.

Remember in the last election how they ran against our tax cuts. A reduction in the GST was terrible, they said, and they opposed putting money into the hands of families so that they could make their own decisions on child care. It is only bureaucrats, they said, who know how to raise children, not parents.

Meanwhile, the Liberal Party criticized our tax reductions in the campaign and in the House, and then turned around and voted for our budget in the House of Commons. They broke their promise in opposition. They have been doing so for so long that they could not help themselves.

This government has already, from day one, instituted a number of tax cuts for Canadians. We cut the GST to ensure that all Canadians benefit from tax relief. The \$9 billion less that Canadians will pay in GST over the next two years rings up to a substantial tax savings at the checkout counter.

In fact, this government implemented in the May budget a more generous version of our January tax proposals. For example, while we had originally said in the campaign that the lowest marginal tax rate would be left at 16 per cent, the budget announced a rate of 15.5 per cent. As a result of our first budget, hard-working Canadians in my province of Saskatchewan will have more money in their pockets than they ever had under the Liberals; the party that has been overtaxing the good people of Saskatchewan for years.

Our government, on the other hand, is delivering real and timely tax relief: Tax relief that makes a difference; tax relief for every person in the province regardless of age or income level. In fact, this government's first budget offered nearly \$20 billion in tax relief for Canadians over the next two years; more than the last four federal budgets combined. Best of all, for every dollar of new spending, there were \$2 of tax cuts.

Our government has introduced a new Canada employment credit that allows working Canadians to earn an extra \$1,000 over and above the basic personal amount before they pay federal taxes, saving them \$155 a year. Our government has doubled the pension tax credit, providing savings of up to \$1,055 for eligible

seniors. Honourable senators, as a result, 85,000 pensioners will be taken off the tax rolls and will no longer pay any income tax. The fact is that next year residents of my province of Saskatchewan will pay \$250 million less in taxes.

Beyond that, there is the universal child care benefit which provides all families with \$1,200 a year for each child younger than six. This puts an estimated \$85 million into the hands of Saskatchewan parents over the next year.

We have also offered Canadians a tax credit for using public transit; an incentive to leave the car at home. Since not all Canadians can use public transit, it is also worth mentioning that cutting the GST to 6 per cent is saving Canadian motorists about \$220 million per year at the pumps.

Let me mention the textbook tax credit, which will benefit \$2 million Canadian students and give them a break in savings of over \$260 million over two years.

Honourable senators, the Liberals tried to claim that their tax plan was more beneficial to low-income Canadians. That was the subject of some speeches in the Senate chamber. Yet the fact remains that their tax plan offered nothing for the 32 per cent of Canadians who pay no income tax at all. Only the Conservative tax plan benefits every Canadian.

Let me get back to Bill S-215. The fact is that the basic personal amounts for the next few years set out in the budget are actually more generous than what is in Senator Austin's bill, once you sit down and calculate your taxes payable, which all of you will soon do.

In 2009, the Liberal plan was to have a \$10,000 basic personal amount and reduce taxes by \$1,500. Our plan is to have the \$10,000 basic personal amount and reduce taxes payable by \$1,550. Looking at it this way, the changes that Senator Austin proposes would provide no real tax relief. In fact, in this calendar year, Canadians with an income of \$30,000 and taking advantage of this government's various tax credits, which are universal, will have taxes payable of \$2,881 compared to \$2,863 under the Liberal plan. This means that under the Liberal plan you would pay \$18 less, but if you factor in the additional \$200 in savings that economists estimate that someone under \$30,000 will save by way of our cut in the GST, then that figure drops to \$182 less paid by people earning under \$30,000 than they would pay under the Liberal tax plan.

Those earning more than \$30,000, it stands to reason, will save even more. Seniors, too, will realize savings because in the budget we doubled the pension income tax credit from \$1,000 to \$2,000, which provides those collecting pensions with \$155 in tax savings.

Honourable senators, last spring, for the first time in a dozen years, there was a budget for the average Canadian; the hard-working people who built this country and who have received few breaks from Ottawa in recent years. If the point of this bill is to offer tax relief, then it has already been delivered, but in a different way than the honourable senator would like to have seen, and from a different delivery organization.

• (1640)

Moreover, the tax reductions outlined in the May budget are just the beginning. I can say that because our government firmly believes that unanticipated surpluses should be used mainly to reduce the debt and to cut federal taxes. That is the Conservative plan. The Liberal plan, on the other hand, is to ramp up government spending and create new programs in areas where the federal government is not best placed to design or deliver programs.

We, on this side, agree with the principles that Senator Austin is espousing in his bill; unfortunately, we need to be aware of the fiscal framework. We also, on this side, believe in the principle of responsible government, which to my mind does not allow for private member's bills that propose tax measures. That, I believe, can only lead to chaos in the fiscal framework.

Given these thoughts and the tax relief we have already provided to Canadians, I can say at this time that I do not and ask others not to support Bill S-215.

Hon. Joan Fraser (Deputy Leader of the Opposition): In listening to Senator Tkachuk's lofty flights of rhetoric about cash and envelopes, I was irresistibly reminded of the former Conservative Prime Minister who has admitted to taking very large amounts of cash in envelopes from a controversial character. I was also reminded that our government called a royal commission when it became apparent that some things might have gone wrong. I look forward with great anticipation to the day when the Conservative government calls a royal commission of a similar nature. That said, I move the adjournment of the debate for the balance of my time.

On motion of Senator Fraser, debate adjourned.

FIRST NATIONS GOVERNMENT RECOGNITION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Segal, for the second reading of Bill S-216, providing for the Crown's recognition of self-governing First Nations of Canada.—(*Honourable Senator Austin, P.C.*)

Hon. Jack Austin: Honourable senators, with respect to the Bill S-216, introduced in this chamber by Senator St. Germain, let me go to the point. This is a bill that deserves to be approved at second reading and to be sent to the appropriate Senate committee for careful study. Senator St. Germain is to be commended for his persistence in advancing this bill, particularly its principle of First Nations self-government. There are many issues in the organization, implementation and administration of this principle and they will need careful study at the committee stage.

I have been long enough involved in Aboriginal rights issues to be concerned that the national leadership of the First Nations not only be consulted with respect to the desirability of this

legislation, but actually supported in principle and be prepared to work side by side with the Senate in creating legislation which they believe would be of value to various First Nations in advancing their self-reliance and governance. Without the active engagement of First Nations and their national leaders, this bill would be of academic interest only, if that.

Accordingly, I am pleased to advise honourable senators that under date October 25, 2006, the National Chief of the Assembly of First Nations, Phil Fontaine, wrote to Senator St. Germain and me to advise as follows:

I am writing to ask your support in getting Bill S-216 into the Senate Committee on Aboriginal Peoples so that it can have a thorough hearing this autumn.

Bill S-216 is based directly on the recommendations of the Penner Committee on Indian Self-Government whose report was tabled in the House of Commons in November 1983. Similar recommendations are enclosed in the Report of the Royal Commission on Aboriginal Peoples, and it indirectly fits with the Senate Report, "Forging New Relationships" (the Watt Report).

Despite these recommendations and the urgent need to remove the obstacles to satisfactory implementation of self-government which have thwarted success for so many years, the intent of Bill S-216 has not been given the study and comment it deserves. First Nations have not been thoroughly consulted or informed about the Bill because it is not a government Bill and the Senate is the only vehicle available for this purpose. I believe the discussion on self-government would be advanced considerably by the Committee's hearings. Hearings will also give First Nations the opportunity to recommend amendments to the Bill to strengthen it.

I hope Senators, that through your collaboration, the Bill will be in Committee at the earliest possible time.

Honourable senators, there are some additional points made in the October 25, 2006 letter, and I ask for agreement that the full letter be made an appendix to today's debates.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Agreed.

(*For text of letter, see Appendix, p. 1180.*)

Senator Austin: Senator St. Germain, on opening second reading debate of Bill S-216, provided senators with a helpful background on the issue of First Nations self-government. Those of us who will study the issue in detail will find the historic and demographic materials referred to by Senator St. Germain to be illuminating.

The Indian Act, passed shortly after Confederation, largely conceived of Indian bands and communities as dependencies requiring control and administration by the federal government who, in turn, appointed Indian agents as administrators of their affairs. This Indian agent system imposed itself on historic governance models and reduced self-reliance and governance capacity. Of course, many bands kept their historic models alive, but oft times with difficulty.

At a later stage, the Indian Act was amended to provide for band elections which, in time, created conflict in certain cases with historic practices of hereditary leadership and also conflict with the powers and decisions reserved to the Indian agents and ultimately to the minister responsible.

One of the most meaningful experiences of my parliamentary career was my participation as a member of the Special Joint Senate-House of Commons Committee on the Constitution. We sat for over six months in 1980-81 to deal with the Trudeau government's proposals for patriation of the Constitution and a Charter of Rights. Our colleague Senator Joyal was the co-chair representing the House of Commons and the late Senator Harry Hays was co-chair representing the Senate. I recall Senator Corbin was also a permanent member of the joint committee as a member of the House of Commons.

Senator Corbin: I was the whip.

Senator Austin: He was the whip.

A high point of the work of the joint committee was its fashioning of section 35 of the Constitution Act which gave constitutional confirmation to the existing rights of Indian, Inuit and Metis peoples and left to the future the precise determination in all its aspects of those rights.

From that time forward, a part of the ongoing debate has sought to define the concept of Aboriginal self-government. Is it an inherent right included under section 35, or is it a right which can be negotiated and defined by agreement and created by statute and even made a constitutional right by legislation by the federal Parliament and provincial legislature acting with the approval of a First Nations community as the Constitution Act provides?

Such was the case with the historic Nisga'a Final Agreement of 1998, which was enacted by this Parliament. The Senate gave third reading to the Nisga'a Final Agreement Bill on April 13, 2000, after a lengthy examination and debate. Along with ratification by the British Columbia legislature and members of the Nisga'a community, the right of self-government by the Nisga'a became a constitutional right as defined by the Nisga'a Final Agreement.

Senators St. Germain, when he introduced Bill S-216 on June 15, 2006, argued for the concept of an inherent right of self-government as recognized by section 35 of the Constitution Act. The Royal Commission on Aboriginal Peoples contended for this conclusion. While there are decisions by Canadian courts, including the Supreme Court of Canada, that inherent rights exist, as yet no court has concluded that one of the inherent rights is that of self-government.

• (1650)

However, whether or not the courts will at some future time come to this conclusion is not really germane to the principle of Bill S-216. The Nisga'a final agreement, Bill C-9, shows us the way to create constitutional rights of self-government for First Nations. As Senator St. Germain contends:

The proposed legislation provides a simple mechanism for Canada's recognition of those First Nation governments that wish to be so recognized.

He goes on to say:

The purpose of recognition legislation is to implement a framework and mechanism so Parliament provides the federal government with statutory authority and a statutory mandate to recognize First Nations and the rights and powers of their governments, institutions and other bodies.

Honourable senators, the Nisga'a Final Agreement, Bill C-9, was at that time an exceptional process and not part of a general policy or legislative system. There were senators at that time, in 1999 and 2000, who raised many questions about the inherent right or any right at all to self-government, and also doubted the constitutional validity of what they termed "a third order of government."

It pleases me to see this bill seek to set up a legislative base similar to the Nisga'a process, so that First Nations who are ready to establish a constitution for self-government can do so in the future without the need to resort to special and specific legislation.

I am pleased that Senator St. Germain has presented this bill, and I express the hope that it suggests the support in principle of the present Conservative government and his colleagues on the government benches in the Senate. He is, of course, free to confirm this as Bill S-216 progresses through committee.

Before concluding, I want to advise honourable senators that the Nisga'a people have done a commendable job of administering to their own affairs under the Nisga'a Final Agreement. They are leaders in demonstrating the role and benefits of self-government.

As honourable senators may remember, British Columbia, with very minor exceptions, did not experience treaty and land settlements, as did the rest of Canada. The First Nations of British Columbia have, for some time, sought recognition of historic land and territory and inherent rights.

Over 20 years ago, the federal government and the provincial government, with the support of some Aboriginal groups, set up the B.C. Treaty Commission to provide negotiating tables among the two governments and each Aboriginal community. It has been a difficult labour, with millions of dollars spent and little agreement to show for it. However, at the end of last month, the first final agreement was signed since the process began in 1992. The Lheidli T'enneh, a band living near Prince George, has made an historic decision, which still requires ratification by a minimum of 70 per cent of the band who vote and 50 per cent plus one of those who are eligible to vote. The B.C. provincial government has signed, as has the federal government, represented by the Honourable Jim Prentice, Minister of Indian Affairs. As a result, other treaty tables may now be encouraged to move forward, including the Tsawwassen band, which is close to agreement.

Rather than require the Lheidli T'enneh to use the same legislative route as Nisga'a, it would be possible, if Parliament moved with proper dispatch, to see Bill S-216 passed and the

[Senator Austin]

Lheidli T'enneh final agreement be the first of many to come under its provisions. Perhaps the B.C. legislature and other provincial legislatures could also pass similar enabling legislation.

Honourable senators should give second reading to this bill and allow early and detailed study to get under way at the committee stage. The participation and support of the national leaders of the First Nations is a prerequisite to the success of this legislation. Senator Watt and I have, in the past, suggested a Senate-citizens combined study as a key consultative step in assisting the later stages of the Senate committee's consideration. I would commend this suggestion to Senator St. Germain, both as the sponsor of Bill S-216 and as chair of the Standing Senate Committee on Aboriginal Peoples.

It is entirely within appropriate procedure to invite certain individuals to sit, not as members of the Senate committee, but to sit with the committee to provide additional assistance. However, I made clear that they cannot be part of any process that is determining of the Senate committee's recommendations.

Regretfully, I have to conclude on a sad note. One of the great reforming Aboriginal leaders in British Columbia, Frank Calder, passed away on Saturday, November 4, at the age of 91. He was a Nisga'a hereditary chief, who was one of the leaders in their fight for self-reliance and self-government. His name will be perpetuated in Aboriginal law for a very long time to come because of the renowned court case, *Calder v. the Attorney General of British Columbia*.

In that case, the Nisga'a argued that their title to land they occupied in the northwest corner of British Columbia since time immemorial had never been extinguished. In 1973, the Supreme Court of Canada came down three judges in favour of their Aboriginal title, three judges against, with the seventh judge finding that the issues could not be decided because appropriate procedural steps were not taken.

As a result of the court case, the Trudeau government decided to reverse its previous position that Aboriginal title did not exist. From that time forward, federal policy and practice recognized Aboriginal title as a foundation for future relations with the Aboriginal community and, in fact, was the foundation of section 35 in the Constitution.

Frank Calder was distinguished in other ways. In 1949, he became the first Aboriginal elected to the B.C. provincial legislature; and in the early 1970s, became the first native cabinet minister, serving in the government of NDP premier Dave Barrett. Prior to the end of his career, he received the Order of Canada, the Order of British Columbia and an honorary doctorate from the University of British Columbia. Frank Calder saw his life's work completed when the Senate passed Bill C-9, the Nisga'a Final Agreement on April 13, 2000.

Honourable senators, I would be very pleased to support Bill S-216 and suggest to colleagues that it should be sent to committee. It should be approved in principle.

Hon. Gerry St. Germain: I would like to thank the honourable senator for having spoken to Bill S-216 today. I have a couple of questions.

I have stood in this place before and I have said that I do not care whose name is on the bill; I just want to see it processed through and expedited for the benefit of our Aboriginal peoples. I am sincere in that.

I know that the honourable senator has sat on committees before in special cases, and Nisga'a was one where he was seconded and sat on the committee. In light of the influence he has had in his party over the historical period of time he has been in this place — which is considerable — and his service, does he see himself being able to convince the Liberal Party to work toward a resolution and a passage of this bill? Would he be prepared to sit on this committee, bringing his expertise from the Liberal side?

I honestly believe that Senator Austin has much to contribute to this because of his experience. We have to work together. Whether it is the drinking water, the housing of our Aboriginal peoples or whether it is their ability to take control of their own destiny, only by working together in this place will we be able to stand up and look at the world and say we are truly a great nation. We will never be a great nation unless we can resolve the problems in our own backyard — looking after and helping our Aboriginal peoples.

I am asking Senator Austin two questions. I hope that the honourable senator will see fit to serve on the committee, if we can get it to committee soon enough. Second, does he think that he can impress on his colleagues on his side that this is as important as I think he and I believe it is.

• (1700)

Senator Austin: Honourable senators, it is my view that Bill S-216 is entirely within the policy direction of the Liberal Party and the Liberal governments that I have supported. Phil Fontaine, National Chief of the Assembly of First Nations, referred to the Penner Report, which resulted from the Royal Commission on Aboriginal Peoples in 1983. I well remember how excited I was when the House Committee tabled that report. I have spent most of my public life in support of increasing the capacity of the Aboriginal community in terms of self-government, economic capacity, and the management of health and schools so that the Aboriginal community could be a full participating community within the Canadian fabric.

I am able to commit only myself, of course, but I would say to Senator St. Germain that, in parallel with the commitment of the government that he supports, I will do my best to seek the commitment of senators on this side.

Senator St. Germain: Thank you, Senator Austin.

The Hon. the Speaker: Are honourable senators ready for the question?

Senator Austin: I would be pleased to take additional questions and to have Senator St. Germain move second reading of Bill S-216, and that the bill be referred to committee.

Hon. David Tkachuk: Honourable senators, I was intrigued and delighted that Senator Austin supports this bill and that the Liberal Party has supported the general policy. As honourable senators are aware, Bill S-216 has been around for some 10 years. I have moved a similar bill twice and Senator St. Germain has

moved one a third or fourth time. During all those years, I never heard the Liberal Party say that it supported the bill, or even the concept of the bill. I am extremely happy that this great transformation has occurred so that Bill S-216 may be dealt with in a fair and reasonable way.

Senator Austin: Honourable senators, first, I was much kinder to Senator St. Germain in respect of Bill S-216 than Senator Tkachuk was to me in respect of Bill S-215. Second, I point out that the opposition on the other side was quite forceful in respect of the first major legislation dealing with Aboriginal self-government, the Nisga'a Final Agreement, although their opposition to that agreement did not succeed, I am happy to say. The record stands in the books so I will neither go to the record nor refer to any one particular senator. It took more than six months of debate in this chamber to pass Bill C-9.

The principle of Aboriginal self-government took a long time to establish. At that time, there was no opposition from Liberal senators to Bill C-9, the Nisga'a Final Agreement on self-government. There were, however, questions about overlapping claims, the major issue on which Senator St. Germain focused.

Honourable senators, I am more than willing to have this bill referred to committee, and that is the proposal from this side.

On motion of Senator Comeau, debate adjourned.

[Translation]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Committee on Internal Economy, Budgets and Administration (*economic increase*) presented in the Senate on November 2, 2006.—(Honourable Senator Furey)

Hon. Pierre Claude Nolin moved the adoption of the report.

Motion agreed to and report adopted.

[English]

STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the third report (interim) of the Standing Senate Committee on Agriculture and Forestry, entitled: *Agriculture and Agri-Food Policy in Canada: Putting Farmers First!*, tabled in the Senate on June 21, 2006.—(Honourable Senator Gustafson)

Hon. Leonard J. Gustafson: Honourable senators, I began a few days ago on this very important subject of agriculture and agri-food policy but, more particularly, on the recommendations

that came out of our committee. I want to thank the Chairman of the Senate Agriculture and Agri-Food Committee, Senator Fairbairn, and all of the members who served on the committee. It truly is a very excellent committee. We heard testimony from some 20 witnesses, including Minister Strahl, Minister Emerson and Minister Lund, who gave us excellent reports on their suggestions for a policy direction. We also heard from representatives of the Canadian Wheat Board and other farm groups who appeared before the committee. Those were very good hearings.

Today, I will speak to the recommendations of the committee in its third report. Honourable senators, I stress the importance of agriculture. I had begun by saying that from the land comes pretty well everything you can imagine. Whether fisheries, gas and oil, lumber, agriculture or mining, they all come from the land. When we look at the history of what has happened in Canada, perhaps we will see that Canadians have been neglectful. I will deal with this aspect in terms of the environment and what we do not see happening in the use of renewable resources. That, in itself, deserves a great deal of consideration.

I mention the recommendations made here in addition to income stabilization, production, insurance and other business risk management programs. The government implemented a direct payment program for the next four years with payments calculated on the basis of historical yield and acreage. One of the problems we have had with our programs, many of which were introduced by different governments over the years, is that they have been far too complicated. The programs should be more straightforward.

Honourable senators might wonder how much money can be put into agriculture. I recall that Don Mazankowski, former member of Parliament, once said, when we studied the question of agriculture years ago, that \$1 invested in agriculture will circulate through the economy 24 times. Today, we are not taking that into consideration. We are taking into consideration the cost only, and not what agriculture will return. What does that mean? If you give a farmer \$1, he will buy a truck, a tractor, a seeder, et cetera, and these purchases help to create jobs. If the jobs are not there, then we have an ailing Canada. It is most important that we do that.

During the government of former Prime Minister Brian Mulroney, we had a drought. I chaired the drought committee in Western Canada at the time and the grasshoppers were so thick on the highways that the pavement was like grease. We took recommendations to the Prime Minister and the government made an acreage payment. That was very straightforward and simple, with not much administration. That is the kind of thing that we will need.

• (1710)

I want to carry that a step further. The second recommendation concerned a Canadian farm bill. Honourable senators may not like it but the Americans have a farm bill that states their direction for the next 10 years. In Canada, we need something that is stable, looking particularly at the global economy we are facing. We have not done that. Here, we have had a piecemeal approach. That is what our Senate committee was saying. In our country, we have 167 million acres of agricultural land. Canadians must realize that this wealth is useless without farmers, who are the best at servicing the land.

[Senator Tkachuk]

When I first came to Ottawa in 1979, 27 years ago, I went up to the lunch counter on the fifth floor. It was the only thing open so I went there to look around. The first person I met was Tommy Douglas. We were alone. He called me over and said, "Len, I want to talk to you." With all due respect to Tommy — and I did not agree with him on a lot of things — I thought he was about to give me a long political discourse on a situation, but he did not. He said, "Len, Saskatchewan has a great future." He then went through the oil, and so on. He said, "Saskatchewan has 40 per cent of all cultivated land in Canada." He went on to explain how important that was. If he were alive today, I think he would shake his head and say that we have let things go too far.

I must say one thing about Tommy Douglas's government. He used to come out to the farmers, sit down with them and ask, "What do you need?" As I said, we may not have agreed with his political direction in many ways but he certainly had a heart for the farmers and for the importance of farming in our province and in our country.

There is one thing that Canada does not have. Please excuse me for drawing parallels to the American system, but the American people will defend the heartland. Maybe that is because of the design of the Senate in the U.S. where they have two senators for every state, regardless of population. Whether Americans are from New York or California or Seattle, they will support the heartland. In some ways, we really do not have that inner drive to do things the way we should in Canada.

You may say that you are a farmer and you see this happening. However, today our farmers are not saying to their sons, "Come and farm." The sad thing is that they are saying, "Do not farm." I have had farmer after farmer tell me that they would never let their sons farm. This is not a good scene. We must change it. We must begin to change it by looking at the global picture we are facing. There must be some semblance of a level playing field or we will not survive.

The way the commodity prices have been, the United States has had the three best years in their history, while we have had the three worst years in our history. That is a serious situation. I honestly believe that there is a way in which we can turn this thing around. I think we need a farm bill, as was recommended by the committee. That is, a Canadian farm bill that takes a long-term approach to some very serious problems.

I am rambling on here, but I now want to say something about the environment. We are pumping out a non-renewable resource at tremendous speed. That is good for the economy at this time, but maybe we should be concentrating more on renewable resources and what is happening there. In our area, they are starting to look into carbon credits that encourage farmers to get involved in the environment. We cannot properly look after the environment on our farms unless we have something to do it with. We cannot properly look after our farms unless we have young people going back into the farm. Old fellows like me will not be able to do it. It will be up to the young people. There is an opportunity right now to take and make use of the renewable resources — grain, straw, you name it. We have the technology but we must have the will.

We need a Canadian farm bill that looks at not only the global challenge but also the opportunities that Canada lays out for us. We have great land and a great country. We are the second largest

land mass in the world. We have a great responsibility both to that land and to our farmers.

Some Hon. Senators: Hear, hear!

On motion of Senator Peterson, debate adjourned.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Peter A. Stollery: Honourable senators, I have already spoken with Senator Comeau. In terms of the Standing Senate Committee on Foreign Affairs and International Trade committee, we were to meet at 5:00 p.m. and it is now 5:15. We have witnesses waiting and, rather than keep them around any longer, I wish to have permission of the Senate for the committee to sit.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I have a quick question before we continue. Why is the deputy chair asking the question and not the chair?

Senator Stollery: Because the chairman is not here. I am the deputy chairman today.

Senator Comeau: I just heard a comment back here that I agree with. My understanding is that although Senator Segal may not be in the chamber at this moment, he is around somewhere. On this side, we agree to your request.

The Hon. the Speaker: Is there consent of the house that the Standing Senate Committee on Foreign Affairs and International Trade has permission to sit?

Hon. Senators: Agreed.

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

REPORT OF OFFICIAL LANGUAGES COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Tardif, that the second report of the Standing Senate Committee on Official Languages, entitled: *Understanding the Reality and Meeting the Challenges of Living in French in Nova Scotia*, tabled in the Senate on October 5, 2006, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Canadian Heritage, the President of the Treasury Board and the Minister for Official Languages being identified as Ministers responsible for responding to the report.—(Honourable Senator Comeau)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, the chair of the Standing Senate Committee on Official Languages asked me to make a few remarks. I will be brief.

First, I would like to thank the members of the committee who participated in the fact-finding mission to Nova Scotia in 2005. It was a good opportunity for them to discover the region.

Honourable senators, I would like to give you a brief history of Nova Scotia's francophone and Acadian communities. Nova Scotia was the Acadian homeland. In 1755, the Acadians were deported.

• (1720)

Although they were subjects of the British Crown, they were expelled from their homes and scattered around the world. This is why there are now Acadians in Louisiana, known as Cajuns. More than 1 million people in Quebec are of Acadian ancestry. Here beside me, Senator LeBreton had Acadian ancestors who were deported from that area.

The Acadians were authorized to return to Nova Scotia around the 1860s. I would like to read from a text that I recently found. This document authorized an Acadian to return to Nova Scotia. It is an official document from Nova Scotia, and it reads:

[English]

This certifies that Pierre Béliveau, an Acadian, appeared this day before His Majesty's Court of General Sessions of the Peace for the King's County and took the oath of allegiance and fidelity to His Majesty according to form prescribed by the government of this province. Given under my hand this 31st day of May, 1768.

[Translation]

It is signed by Mr. Deschamps, a Justice of the Peace. This gives us an idea of the conditions under which the Acadians were allowed to return to Nova Scotia. They had to swear an oath, which was not asked of anyone else. They were British subjects who were forced to swear allegiance to the King if they wanted to return to Nova Scotia.

We swear such an oath here in the Senate when we take up our duties as senators, and in the House of Commons, when one becomes an MP. But at that time, the Acadians were the only subjects required to do so. Upon their return to Nova Scotia, they were not allowed to live anywhere but where they were told to.

Thus, they were dispersed throughout Nova Scotia. Some settled on the Baie Sainte-Marie, where I am originally from. Some settled in what is known as the Clare region, named after a Scottish surveyor. Others were authorized to settle on Isle Madame, in Cape Breton, at Cheticamp, and in other regions.

They were settled throughout Nova Scotia, but were not permitted to form communities that were too large, so as to prevent them from becoming too powerful. They were allowed to settle only on land that no one else wanted. Other British subjects at the time did not want to settle on those lands.

The Acadians were only allowed to resettle in areas where there were good fisheries. There were lobsters but no one ate them in those days; they were used as fertilizer in agriculture. They were far from the major centres of Nova Scotia. They were a small minority, scattered here and there.

That is the history behind the Acadian regions in Nova Scotia. It is sometimes said of the Acadians of Nova Scotia and Prince Edward Island that they waged a battle, and that is true. It was a major battle to try to keep their religion, their language, their culture and their history. Is that not what truly defines a nation, a people with a common history, language, and culture who are from the same region? It is not very often that you will hear Acadians say that they wish to be recognized as a nation because, in their eyes, they are one, they are a people.

The members of the Standing Senate Committee on Official Languages who travelled to Nova Scotia had the opportunity to meet these Acadians and to discover their culture.

Quite often, people had to change their names in order to get jobs. The Leblancs became Whites, the Aucoins turned into Wedges, and the Poiriers were transformed into Perrys from Prince Edward Island.

The problems of assimilation surfaced with the arrival of the media, since our newspapers, radio stations, and television channels were in English.

We did not have our own schools. The clergy provided education in French. However, I had to attend an English high school because there were no French schools. We were far from our Acadian cousins in New Brunswick, and even farther from our francophone cousins in Quebec. We lived in our little corner of the world as best we could, trying to maintain our language. We experienced even greater difficulties when we had to go to an English hospital and we spoke French. Even today, our hospitals are still English.

Yet you will not find a group that is prouder to support Canada's linguistic duality than the Acadians of Nova Scotia. You will sometimes meet people like me who get shivers when they hear references to English Canada and Quebec. We often hear such comments on the CBC. This is insulting to Acadians in New Brunswick, Nova Scotia and Prince Edward Island, because it implies that there are no francophones outside Quebec. I get the same shivers when I hear references to francophones outside Quebec, because that makes our definition as a people dependent on our difference from Quebec.

There are francophones across Canada. People tend not to be aware that there are francophones in Nova Scotia, Prince Edward Island, Newfoundland and the West. I sometimes meet people from Quebec who are surprised that there are francophones in Nova Scotia. I tell them that our accent differs slightly from theirs, but that there are francophones in Nova Scotia. Quebecers will be understood in Nova Scotia. Canadians should be proud to have such wealth across the country. That is why the visit by the Standing Senate Committee on Official Languages was very productive for the members of the committee as well as for the Acadian communities in Nova Scotia.

• (1730)

It was the first time they had ever been visited by a Senate committee. The committee members met with them to find out about their concerns and their needs. On behalf of the Acadians and francophones in Nova Scotia, I want to thank the members of the committee. Senator Corbin, who was then Chair of the Committee on Official Languages, and Senator Buchanan, the Vice-Chair, did an excellent job. I hope that the government will take a close look at the recommendations in this report and will react positively.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I would like to thank Senator Comeau for his very moving speech. It is true that the history of the Acadians of Nova Scotia is filled with extraordinary, admirable examples of tenacity and courage in Canada's history.

My family is of Scottish descent. We were an Anglophone family living in Nova Scotia. I attended high school in Nova Scotia long before the time of the Commission on Bilingualism and Biculturalism. I remember every year we went on a little excursion to Grand-Pré and sometimes we even went to Port Royal.

We often forget that Nova Scotia was the cradle of the French presence in North America. Champlain settled in Nova Scotia before founding Quebec.

We learned the history of Champlain. We went to Grand-Pré and wept over the beautifully romantic story that we found in the poem *Evangeline* by Longfellow, an American. But absolutely no one told us that the French presence in Nova Scotia was not just an historic reality. It is still current. Acadian life has continued in Nova Scotia. We were 100 per cent ignorant of that fact. It was scandalous. I know that because of this ignorance, likely intentional in many cases, among the majority of Nova Scotians, the obstacles the Acadians faced were beyond the imagination of most. We had no idea.

I feel quite humble before this example of courage and tenacity. As far as my ancestors and I are concerned, I can only talk about our serious mistakes and present our apologies.

That being said, as Senator Comeau reminded us, this study began when Senator Corbin chaired the committee. I know he would like to speak to this matter so I move adjournment of the debate in his name.

On motion of Senator Fraser, for Senator Corbin, debate adjourned.

[English]

STUDY ON STATE OF HEALTH CARE SYSTEM

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

On the Order:

Resuming debate on the consideration of the second report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Out of the Shadows at*

Last, deposited with the Clerk of the Senate on May 8, 2006.—(Honourable Senator Keon)

Hon. Wilbert J. Keon: Honourable senators, I am pleased to speak to the second report of the Standing Senate Committee on Social Affairs, Science and Technology entitled *Out of the Shadows at Last*.

First, allow me to say what an honour and pleasure it was to serve on this outstanding committee so ably chaired by Senator Michael Kirby.

It is the prevalence of mental illness in its various forms in Canada that gave the Standing Senate Committee on Social Affairs, Science and Technology the impetus, firstly, to delve into this area with a view to revealing the mysteries of this condition affecting a good percentage of the Canadian population; secondly, to develop recommendations for the federal government in conjunction with the relevant public organizations; and thirdly, to develop new additional services and organizations to directly deal with the issues surrounding those living with mental illness.

Honourable senators, I will today highlight a few integral points of the committee's report *Out of the Shadows at Last*, including the needs of the Canadian public dealing with mental illness and what the communities have proposed to remedy or deal with the situation.

Canada needs a genuine mental health care system where providers, Canadians and the government view mental illness with the same seriousness as physical illness, a system where patients are accorded respect and consideration equal to those given to people affected with physical illness, a system focused on the people and their ability to recover.

Recovery is not the same as being cured. Recovery constitutes living a satisfying, hopeful and productive life — the desire of every Canadian. Recovery can also, and most often commonly does, refer to the reduction or complete remission of symptoms. Recovery must be at the centre of health reforms. To ensure this, the committee's proposed mental health system must acknowledge two critical elements: first, that each person's path to recovery is unique; and, second, that recovery is a process, not an end point.

First of all, there is choice. The availability and exercise of choice is in itself a potential contributor to the recovery process. Under the Canada Health Act and current funding arrangements, many services needed by people living with mental illness and addiction are available only to those who can pay for them out of their own pockets or who have private insurance plans to cover these costs. This needs to change.

Secondly, there is community. Since mental health and addiction problems cut across so many facets of community life, much more than health care is required. With the proper supports in place, people with mental illness can not only live in the community but can lead fulfilling and productive lives.

Each year, approximately 3 per cent of the population will experience serious mental illness and 17 per cent will experience mild to moderate illness. Integration must occur at two levels — mental health services with the physical health care services, and a

variety of mental health treatments and services funded by ministries of health with the broader range of services required by people living with mental illness.

Thirdly, there is integration. Services and supports must be made available to people through their life span and, as people's needs change, must still be available in a seamless fashion. Integration must serve the objective of improving the range, affordability, quality and accessibility of services. In this proposed recovery-focused mental health care system, we need the right blend of institutional and community-based supports and services. These services must be provided in the community and in a seamless continuum to effectively address changing patient needs. It takes discipline, perseverance and patience to see through the institution-to-community-based-system transition, but the rewards and benefits of a working and efficient system for those living with mental illness in all its facets are incalculable.

• (1740)

To help this process along, honourable senators, the committee has recommended the establishment of the mental health transition fund. This fund would, by its mandate, allow the government to make a time-limited investment to cover the transition costs and to accelerate the process of developing a community-based mental health system. Disbursement should be managed by the proposed Canadian mental health commission. Funds would be provided to the provinces and territories on a per capita basis, with additional financial support considered for those provinces with small populations spread across a vast territory, for two explicit purposes. One, to establish the mental health housing initiative, which will be mandated to develop new, affordable housing units and provide rent supplements for properties rented at market rates. According to the Canadian Mortgage and Housing Corporation, 27 per cent of the Canadian public living with mental illness are without adequate suitable and affordable housing, well above the national average of 15 per cent. The second purpose is to establish a basket of community services to assist the provinces in providing a range of services and supports in the community. This basket of services would include assertive community treatment teams, crisis intervention units and intensive case management programs.

Another major component of the committee's proposed mental health system is collaboration between mental health professionals, medical health professionals, organizations, families and school boards. An effective and efficient working relationship between both mental health and social services is critical to staying well and providing seamless transition between the various levels the treatment available.

One particular concern, honourable senators, is the specific care required by Canadian seniors living with mental illness. The committee has recommended that alternatives to hospitalization must be made more widely available. The current inefficient and inconvenient transitions between the different levels of care must be remedied. Resources must be invested to help seniors and their families navigate the existing system. There must be greater decentralization of transitional services.

In dealing with the stresses and subsequent mental health repercussions of those in the workforce, collaboration is needed

between the health care system and the workplace to provide a stable, productive life for those living with mental illness. These two separate entities are very different with differing cultures, languages, practices and priorities.

The committee has recommended that we make full use of the current Opportunities Fund for Persons with Disabilities administered by the Department of Human Resources and Social Development and to further mandate it to establish a nation-wide program to assist persons with mental illness to obtain and retain employment. When finding adequate, sustainable employment fails, people living with mental illness come to rely on social assistance and in the committee's view these social assistance programs do not go far enough to adequately address the unique situation of these citizens.

The committee has recommended that benefit levels and earning exemption amounts for social assistance programs for people living with mental illness be increased to reduce financial hardship and increase the incentive to work, and that those receiving supplementary aid should continue to be eligible for assistance.

The Canadian Pension Plan Disability and Disability Tax Credit do not address the question of mental illness and disability appropriately. In both cases, the committee has recommended that the qualification requirements be modified and benefit amounts increased to more adequately support and address those living with mental illness.

Honourable senators, it is well documented that addictions and substance abuse also come into play in the case of mental illness, but the vast majority of Canadians who are addicted use legally available substances. Let us use gambling as an example. In 1999-2000, the net profit to all levels of government from gambling was \$5.7 billion. In 2004, it was \$6.2 billion, more than the \$5.9 billion net profit on tobacco and alcohol combined, and are all legal. Substance abuse can mask the symptoms of a mental illness and can also exacerbate psychiatric symptoms.

Historically, mental health and addiction services have developed separately with differing philosophies related to cause, effect and source of help. Addiction and mental health services must build integrated mechanisms based upon their shared interest, views and benefits. The committee has charged the proposed mental health commission with building these integrated mechanisms.

Integral to the success of the committee's proposed mental health system is research. Canadians need quality information to effectively plan and deliver a whole spectrum of mental health services. To this date research funding has not matched the huge burden that mental illness and addiction places on society.

In the 2002 report, the committee called for an increase in the federal government's annual contribution to health research to 1 per cent of the total amount of health care spending within a reasonable time frame. Today, we have an overall expense of about \$120 billion and we are only spending about .5 per cent or \$700 million a year on research. Without effective knowledge translation, honourable senators — that is what I like to call from bench to bedside — ineffective or even harmful treatments may continue.

As there is currently no research policy or strategy in Canada, the committee has proposed that the current Canadian Institutes of Health Research develop a national research agenda on mental health illness and addiction. Canada does not have a national picture on the status of mental health across the country, or the prevalence of mental health and addiction. To this end, the committee has proposed that the current Public Health Agency develop a comprehensive national mental health illness surveillance system.

Another important segment of our report addresses the mental health promotion and mental health prevention. Mental health promotion emphasizes positive mental health by addressing the personal, social, economic and environmental factors that are thought to contribute to mental health. Mental health prevention focuses on reducing risk factors associated with mental illness and enhancing protective factors that inhibit its onset and shorten duration; both require substantial investments.

To tackle these two aspects, the Canadian Psychological Association has suggested that a Canadian mental health guide be established. In addition, and to complement the work of the Public Health Agency of Canada, the Canadian mental health commission will include a knowledge exchange centre to work with existing agencies in the collection and exchange of data relevant to mental health.

At the heart of our recommendation, honourable senators, is the establishment of a Canadian mental health commission. The mandate of this commission will be to be an independent not-for-profit organization; to make those living with mental illness and their families the central focus; and to act as a facilitator, enabler and supporter of a national approach to mental health issues. The commission will become a catalyst for reform of mental health policies; educate all Canadians about mental health, and increase mental health literacy, particularly among employers; and strive to diminish the stigma and discrimination faced by Canadians living with mental health and their families.

Of the \$17 million of government support for this commission, \$5 million would be dedicated to an anti-stigma campaign to put an end to alienation and misunderstanding; \$6 million would be directed to the knowledge exchange centre; and the final \$6 million would be used to cover operating costs.

• (1750)

Honourable senators, the committee is asking the government to commit: \$17 million per year for the Canadian Mental Health Commission; \$224 million per year for the Mental Health Housing Initiative; \$215 million per year for the Basket of Community Services; and \$50 million per year dedicated to research and treatment in the Concurrent Disorders Program. Also required is an additional \$2.5 million per year dedicated to telemental health, an additional \$2.5 million to support peer-support programs, and \$25 million per year dedicated to research through CIHR. That is a total of \$536 million.

Honourable senators, I would like to reiterate that the mental health system we are proposing is not about governments or programs or politics or service providers, it is about helping people with mental illness live the best life possible. This is a sector of the population that has been largely ignored by mainstream research, medical care and government support. We

cannot afford, nor is it acceptable to allow this trend to continue. The research and revelations presented to the committee during its proceedings and in preparing this report emphasize the dire need for action, and action now.

I would ask honourable senators to fully support this report.

The Hon. the Speaker: If there are no further senators participating in this debate, this order will be considered debated.

Senator Keon: I propose the adoption of the report.

The Hon. the Speaker: It was moved by the Honourable Senator Keon, seconded by the Honourable Senator Tkachuk, that this report be adopted.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON AGING ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Bryden:

That a Special Committee of the Senate be appointed to examine and report upon the implications of an ageing society in Canada;

That, notwithstanding rule 85(1)(b), the Committee comprise seven members, namely the Honourable Senators Carstairs, P.C., Chaput, Cordy, Johnson, Keon, Mercer, and Murray, P.C., and that three members constitute a quorum;

That the Committee examine the issue of ageing in our society in relation to, but not limited to:

- promoting active living and well being;
- housing and transportation needs;
- financial security and retirement;
- abuse and neglect;
- health promotion and prevention; and
- health care needs, including chronic diseases, medication use, mental health, palliative care, home care and caregiving;

That the Committee review public programs and services for seniors, the gaps that exist in meeting the needs of seniors, and the implications for future service delivery as the population ages;

That the Committee review strategies on ageing implemented in other countries;

That the Committee review Canada's role and obligations in light of the 2002 Madrid International Plan of Action on Ageing;

That the Committee consider the appropriate role of the federal government in helping Canadians age well;

That the Committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee have power to adjourn from place to place within Canada;

That the Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, pursuant to rule 95(3)(a), the Committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;

That the Order of Reference to the Standing Senate Committee on Social Affairs, Science and Technology concerning the ageing of the population, adopted by the Senate on June 28, 2006, be withdrawn; and

That the Committee present its final report to the Senate no later than December 31, 2007, and that the Committee retain all powers necessary to publicize the findings of its Final Report until March 31, 2008.—(*Honourable Senator Comeau*)

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

NATIONAL DEFENCE ACT

MOTION CALLING UPON GOVERNMENT TO PROCLAIM SECTION 80 OF THE PUBLIC SAFETY ACT, 2002 ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Di Nino:

That the Senate calls upon the Government of Canada:

- (a) to cause the bringing into force of section 80 of the *Public Safety Act, 2002*, Chapter 15 of the Statutes of Canada 2004, assented to on May 6, 2004, which amends the *National Defence Act* by adding a new Part VII dealing with the reinstatement in civil employment of officers and non-commissioned members of the reserve force;

- (b) to consult with the provincial governments as provided in paragraph 285.13(a) of the new Part VII with respect the implementation of that Part; and

- (c) to take appropriate measures in order for the provisions under the new Part VII to apply to all reservists who voluntarily participate in a military exercise or an overseas operation, and not to limit the provisions to those reservists who are called out on service in respect of an emergency.—(*Honourable Senator Fraser*)

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

FIRST NATIONS INVOLVEMENT IN NATIONAL AND INTERNATIONAL AFFAIRS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gill, calling the attention of the Senate to the Government of Canada's position on the First Peoples on the national and international level.—(*Honourable Senator Watt*)

Hon. Gerry St. Germain: Honourable senators, I rise to speak to the motion raised by my honourable colleague Senator Gill regarding Canada's position on the United Nations Draft Declaration on the Rights of Indigenous Peoples.

There can be no debate about Canada's commitment to continuing its decades-long efforts to work with Aboriginal people through consultations, negotiation, treaties and other means to reduce poverty and improve their quality of life. With regard to what Senator Keon just spoke about, if there is a group in society that is impacted with addictions and challenges, it is our indigenous peoples, our First Nations people here in Canada.

While there is no question that much needs to be done, there is also no doubt that some progress has been achieved. For example, since 1973, 20 modern treaties have been negotiated across the country. These treaties cover approximately 40 per cent of Canada, involve over 90 Aboriginal communities and represent over 70,000 members. Our country is viewed internationally as a human rights leader with a strong record of achievement. Canada has acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights. These treaties, together with the UN Declaration on Human Rights, form the basis for what has been called "the international bill of rights."

We take our commitments to the international community and to the affected parties very seriously. It is precisely because of this that we must be vigilant in terms of what we agree to and what we do. This is true in the case of the draft resolution.

Canada worked consistently and faithfully for a strong and effective declaration that would promote partnerships and harmonious relations between indigenous peoples and the UN member states within which they live, and at the same time strike a balance between the rights of various parties, clarify respectively responsibility and commitments and provide practical guidance to UN member states.

Unfortunately, the draft declaration now before the United Nations General Assembly does not meet these long-standing goals. What is required is a declaration that is clear and totally transparent. Current text does not provide practical guidance to UN member states, indigenous peoples or to multilateral organizations.

Furthermore, Canada has concerns regarding how some of the articles could be interpreted. For example, article 26 declares, in part, that:

Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

This text does not recognize that rights to lands and resources need to be balanced with the rights of others. This text does not recognize that broad areas may have been ceded by treaty, whether historic or modern treaties as is the case in Canada. This article is an example of the text failing to provide practical guidance or clear expectations on key provisions. As such, the draft declaration is a flawed instrument that Canada cannot support at this particular time. Let me also be clear: No Canadian government has ever accepted the draft declaration in its current form.

It is because Canada is committed to the spirit and the principles underlying the desire for a declaration that Canada wanted more time to discuss portions of the text that have been forwarded by the chairman of the UN Working Group, and which had not been discussed by UN member states and the representatives of indigenous peoples.

Improvements to the text were both possible and necessary. Canada was not alone in expressing concerns with the draft declaration. A number of UN member states also wanted more time to discuss those sections of the draft declaration where there are serious flaws, such as in relation to lands, territories and resources; the use and concept of free prior and informed consent; and in the provisions relating to self-government.

In proposing to return to negotiations, Canada had hoped to help craft a declaration that more clearly sets out the rights of indigenous peoples and the commitments of UN member states in relation to such rights. Canada wanted to build a broader consensus on the text so that the declaration could eventually be adopted and supported by as many UN member states as possible.

Since we were successful in achieving further negotiations on the draft declaration at the UN Human Rights Counsel, Canada voted against adoption. At that time, a number of UN member states made statements of interpretation which highlighted a variety of ongoing concerns with the text of the draft declaration, many of which were shared by Canada. Even among the UN member states voting for the adoption of the declaration, there were clearly issues with both process and substance.

• (1800)

I want to reassure my honourable colleagues of this government's unwavering support of the rights of Aboriginal peoples. My friends, I would not stand here if I did not believe that.

Canada's new government has demonstrated its commitment by embarking upon a new approach focused on enhancing Aboriginal peoples' self-reliance through targeted efforts in four areas: First, the government is directing investments towards the initiatives that will empower individuals to take greater control over their lives and futures, such as housing and education; second, the government is working to accelerate land claim settlements. It was spoken about here today, that the minister initiated an historic moment in Prince George in initialling an agreement that has just been negotiated and agreed upon.

The Hon. the Speaker: Honourable senators, it is 6 p.m. Is there direction from the house?

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, could the honourable senators agree not to see the clock?

Hon. Senators: Agreed.

[English]

Senator St. Germain: Third, the government is promoting economic development, job training, skills development and entrepreneurship to open up opportunities for our Aboriginal people. Fourth, the government is laying the groundwork for responsible self-government by moving toward modern and accountable government structures.

It is important to note those actions that have already been taken in these areas: in ensuring First Nations communities have access to safe drinking water — which, I can assure you, we will be pursuing aggressively in light of recent news; in supporting women, children and families by launching consultations on the issue of matrimonial real property — the minister has been to the Human Rights Committee on this particular issue in recent days; and by signing a tripartite agreement in British Columbia ensuring that First Nation students will have access to an education that not only meets provincial standards but has cultural relevance.

I am proud to say that Canada is among the few nations in the world with constitutionally recognized Aboriginal rights. Canada's new government has made it a priority to work towards improving the quality of life for Aboriginal peoples.

Honourable senators, Canada and its government remain committed to the pursuit of and the protection and promotion of Aboriginal and treaty rights domestically, and to working with other countries and indigenous peoples internationally.

On motion of Senator Fraser, for Senator Watt, debate adjourned.

The Senate adjourned until Wednesday, November 8, 2006, at 1:30 p.m.

Appendix

OFFICE OF THE NATIONAL CHIEF

BUREAU DU CHEF NATIONAL

 Assembly of First Nations

 Assemblée des Premières Nations



October 25, 2006

Senator Jack Austin
 Leader of the Opposition
 Senate of Canada
 Ottawa, Ontario, Canada

Senator Gerry St. Germain
 Chair, Senate Standing Committee on Aboriginal Peoples
 Senate of Canada
 Ottawa, Ontario, Canada

Dear Senators:

I am writing to ask your support in getting Bill S-216 into the Senate Committee on Aboriginal Peoples so that it can have a thorough hearing this Autumn.

Bill S-216 is based directly on the recommendations of the Penner Committee on Indian Self-Government whose report was tabled in the House of Commons in November, 1983. Similar recommendations are echoed in the Report of the Royal Commission on Aboriginal Peoples, and it indirectly fits with the Senate Report, *Forging New Relationships* (the Wall Report).

Despite these recommendations and the urgent need to remove the obstacles to satisfactory implementation of self-government which have thwarted success for so many years, the intent of Bill S-216 has not been given the study and comment it deserves. First Nations have not been thoroughly consulted or informed about the Bill because it is not a government Bill and the Senate is the only vehicle available for this purpose. I believe the discussion on self-government would be advanced considerably by the Committee's hearings. Hearings will also give First Nations the opportunity to recommend amendments to the Bill to strengthen it.

I hope, Senators, that through your collaboration, the Bill will be in Committee at the earliest possible time.

.../2

-2-

I have asked Regional Chief (Alberta/AFN) Wilton Littlechild and Grand Chief Bernard Menoon of the North Peace Tribal Council, Treaty 8, and Chief of the Tall Cree First Nation, to keep me advised regarding this Bill. Regional Chief Littlechild may be contacted at (780) 585-3038 or 780 361-7527. Grand Chief Bernard Menoon may be contacted at (780) 451-0304 or (780) 927-3727.

Sincerely,

A handwritten signature in dark ink, appearing to read "Phil Fontaine". The signature is fluid and cursive, with the first name "Phil" being more prominent than the last name "Fontaine".

Phil Fontaine
National Chief

cc. Regional Chief Wilton Littlechild
Grand Chief Bernic Menoon
Chief Robert Daniels

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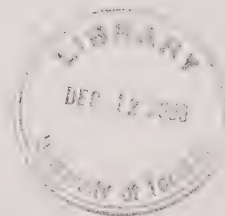
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OFFICIAL REPORT
(HANSARD)

Wednesday, November 8, 2006

—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, November 8, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

GOVERNMENT OF QUEBEC POLICY ON CANADIAN FRANCOPHONE COMMUNITIES OUTSIDE PROVINCE

Hon. Maria Chaput: Honourable senators, today I salute the Government of Quebec for its new policy on the Canadian francophonie announced yesterday, November 7, 2006.

Quebec's premier, Jean Charest, and the Minister Responsible for Canadian Intergovernmental Affairs and Francophones within Canada, Benoît Pelletier, unveiled Quebec's new policy on the Canadian francophonie entitled "*L'avenir en français*".

Here are some excerpts from the November 7 news release:

The policy was announced in the presence of the Government of Quebec's primary collaborators in the francophonie file and several representatives of francophone and Acadian communities, including the president of the Fédération de la jeunesse canadienne française, Karlynn Grenier; the president of the Société nationale de l'Acadie, Françoise Enguehard; the president of the Fédération culturelle canadienne-française, René Cormier; the president of the Fédération des communautés francophones et acadienne du Canada, Jean-Guy Rioux; and representatives of all twelve provincial and territorial francophone associations.

• (1335)

The current policy is the result of a collaborative process between the Government of Quebec and Canada's francophone and Acadian communities. It reflects a vision based on solidarity, accountability and a leadership role for Quebec to meet the needs of francophones across Canada.

Quebec is francophonie's North American headquarters. This leadership role belongs to Quebec and, as Mr. Pelletier said, this is a demonstration of Quebec's committed return to the Canadian francophonie community.

I would like to express my sincere congratulations and gratitude to the Government of Quebec for this initiative.

[English]

LITERACY ACTION DAY

Hon. Joyce Fairbairn: Honourable senators, today the literacy troops are arriving from across the country in preparation for Literacy Action Day tomorrow, and many are already

enthusiastically meeting with parliamentarians in their offices on the Hill. For them, this is perhaps the most important visit in the past 11 years as the literacy movement is facing changes that affect tutors, learners and organizers across this country.

With a new government, there is a new approach, and this army of volunteers and organizers want to learn about it directly, and are doing it with enthusiasm and with hope for a good working relationship.

Senators will know from the outstanding speeches that have been given in this chamber by colleagues on both sides of the house that literacy is indeed a foundation issue for the future success of our country. It cannot be organized in these buildings, nor delivered directly to tutors and learners alike. It is an issue that is founded on the encouragement and financial support of all levels of government for the benefit of every corner of Canada.

Many of you will have a chance to meet with these strong and positive citizens, who have made quite an effort to come far from home to tell their stories; and all of you can share lunch with them during the luncheon at noon tomorrow in Room 256-S.

Their first words to you will be those of appreciation for our support and pride for the success and new opportunities it has helped to create.

Today, I met a young man from Newfoundland who said it all. Through the great support offered in that province, he has changed his life, and that of his wife and children, by seeking out a chance to learn and be able to offer all of them — and himself — a fair chance for a good life.

He is now a student at Memorial University, doing what all of us hope for these friends of ours, these Canadian citizens who are trying hard. We are helping them and we must continue to help them because it is working, honourable senators.

Hon. Senators: Hear, hear.

THE LATE DR. FRANK CALDER, O.C.

Hon. Gerry St. Germain: Honourable senators, I rise to pay tribute to the life of Dr. Frank Calder. He passed away earlier this week, leaving behind a lifetime of achievements that had profound impact on Canada's Aboriginal peoples.

Dr. Calder was the first Aboriginal to hold office in a Canadian Parliament, having been elected to the B.C. legislature in 1949 to sit as a Cooperative Commonwealth Federation MLA. Later in his political career, Dr. Calder joined the Social Credit Party — and what a great day that was in British Columbia — making history as the first Aboriginal to receive an appointment as a minister of the Crown.

Dr. Calder founded the Nisga'a Tribal Council, the first of its kind in British Columbia. He went on to serve as the council's president for 20 years, receiving the name "Chief of Chiefs" from all four Nisga'a clans.

Dr. Calder continued to make Canadian history in 1973, when the Supreme Court of Canada ruled on his appeal, establishing that Aboriginal title exists in modern Canadian law.

• (1340)

Honourable senators, this ruling that bears Dr. Calder's name set the legal ground for Aboriginal treaty negotiations across Canada. This precedent in Aboriginal treaty law is referenced internationally in current land claim settlements in Australia, South Africa, New Zealand and other countries. It is on these grounds that the historic Nisga'a treaty was signed in 1998, giving Dr. Calder's people title to their land.

A recipient of the Order of Canada and of the National Aboriginal Lifetime Achievement Award, Dr. Calder dedicated his life to serving Canada and was a pioneer in Canadian Aboriginal treaty development and negotiations.

Honourable senators, Aboriginal and non-aboriginal Canadians owe a debt of gratitude to Dr. Frank Calder for his invaluable contribution to Canada.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to tabling of documents, I would like to draw to your attention the presence in the gallery of Mr. Avdai, MP, Chair of Mongolia-Canada Parliament Group, Head of the delegation. Accompanying him is Mr. Sodnomtseren, MP, Member of Mongolia-Canada Parliament Group.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

ROUTINE PROCEEDINGS

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF COUNCIL OF EUROPE COMMITTEE ON ENVIRONMENT, AGRICULTURE AND LOCAL AND REGIONAL AFFAIRS, JUNE 9, 2006—REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association to the Council of Europe parliamentary assembly for its meeting of the committee on the environment, agriculture and local and regional affairs in Paris, France, June 9, 2006.

[Translation]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

PARLIAMENTARY MISSION TO PORT-AU-PRINCE, HAITI, SEPTEMBER 5-8, 2006—REPORT TABLED

Hon. Andrée Champagne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian Section of the Assemblée parlementaire de la Francophonie, respecting its Parliamentary Mission to Port-au-Prince, Haiti, from September 5 to 8, 2006.

MEETING OF HEADS OF STATE AND GOVERNMENTS OF FRANCOPHONE COUNTRIES, SEPTEMBER 25-29, 2006—REPORT TABLED

Hon. Andrée Champagne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian Section of the Assemblée parlementaire de la Francophonie, respecting its participation at the Eleventh Meeting of the Heads of State and Government of Countries using French as a Common Language, held in Bucharest, Romania, from September 25 to 29, 2006.

• (1345)

[English]

THE SENATE

COMMITTEE ON INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION—NOTICE OF MOTION TO REFER PERMISSIBILITY OF SENATORS' STAFF INQUIRING INTO THE TRAVELLING DETAILS OF OTHER SENATORS

Hon. Tommy Banks: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Internal Economy, Budgets and Administration be directed to examine and determine, in light of recent discussions and in light of present Rules, procedures, practices and conventions of the Senate, whether it is appropriate or permissible that persons working in the offices of senators, including senators who are Ministers of the Crown, should obtain or attempt to obtain from hotels used by senators conducting business properly authorized by the Senate, detailed breakdowns including lunches or other costs included in hotel invoices, and including any and all sundry costs associated with the stay; and

That the committee be directed to report its determination to the Senate no later than Thursday, December 7, 2006.

[Translation]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

GOVERNMENT PROJECTS TO INFUSE ECONOMY OF MONTREAL REGION

Hon. Francis Fox: Honourable senators, my question is for the Minister of Public Works and Government Services. We are not permitted to ask him questions concerning his duties as minister responsible for the greater Montreal area. I am very pleased to ask the following question in the presence of an eminent journalist from the Montreal area. Can the Minister of Public Works and Government Services tell us if, in that role, he is preparing an economic growth strategy for the greater Montreal area? I am referring to the Montréal Harbourfront Corporation, among other projects. Can the minister tell us if his department has any other development projects in the Montreal area, in partnership with municipal and provincial authorities?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, my department is working on a number of projects simultaneously that will have an impact on certain major urban centres in Canada, certain smaller areas and, of course, Montreal. As you know, my department manages certain assets you are familiar with. Of course, that is part of Montreal's potential. Managing these assets keeps me busy.

I would remind you that I am the Minister of Public Works and Government Services for the entire country, not just Montreal. We have 325 buildings across the country, not just in Montreal. There are buildings in Ottawa, on the west coast and on the Atlantic coast. It is very important to look after all these assets, regardless of where they are.

THE SENATE

REQUEST FOR CHANGES TO RULES TO MAKE MINISTER OF PUBLIC WORKS AND GOVERNMENT SERVICES ACCOUNTABLE FOR POLITICAL RESPONSIBILITY TO MONTREAL

Hon. Francis Fox: Honourable senators, we have had the pleasure of hearing the melodious voice of the Minister of Public Works and Government Services telling us about his development plans for Montreal and other regions.

I would like to go back to the question I asked in this chamber on November 1. I do not seek to defy the ruling by the Speaker of the Senate, which said that we could not put questions to the Minister of Public Works and Government Services in his capacity as minister responsible for the City of Montreal, even though the Prime Minister, in appointing him, intended that he would represent Greater Montreal within the Government of Canada.

As I said, I am not speaking in a spirit of defiance but of cooperation. I had asked the Leader of the Government in the Senate whether she was willing to support an initiative that could come from her side or ours and that would change the *Rules of the*

Senate. This request is perfectly within the bounds of the Senate's powers to amend our rules in order to allow the Minister of Public Works and Government Services to answer questions in this chamber about his important responsibilities in Montreal, which affect the city's development and future.

If the Leader of the Government in the Senate is not willing to support such an initiative, could she explain what public policy reasons would prevent her from doing so? We on this side could introduce the motion and refer it to the appropriate committee. But in the spirit of democracy, we do not want to use our majority to impose a procedural change on this chamber.

• (1350)

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. The importance of Senator Fortier to our government as Minister of Public Works and Government Services and minister for Montreal is well outlined in the preamble to the honourable senator's question. Senator Fortier is a valuable colleague and certainly a wonderful representative for the City of Montreal in the government and in cabinet.

In answer to the honourable senator's question when he posed it before, I said far be it from me to challenge a ruling of the chair, specifically since I am relatively new in this position and I do not want to start off challenging the chair. Even though it has been done in the past, it was not something I was planning to do.

In any event, I would think that what the honourable senator says has some validity and I would suggest that perhaps he refer that particular question to the chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, for perhaps it is something that the Rules Committee would be interested in looking at.

Senator Fox: Honourable senators, obviously on this side of the house, as on the other side, we respected the ruling that was handed down by the Speaker, which is predicated on the rules as they presently stand. As the Honourable Leader of the Government has just acknowledged, those rules can be changed by all of us sitting here, as we are masters of the proceedings of the Senate.

What I would like to know, in a "yes" or "no" answer, is whether or not the Leader of the Government would support such a change to allow the Honourable Minister of Public Works and Government Services to respond to such questions. I am not sure it is to our advantage to have the minister respond, because he is very good, as we all know, at responding to questions concerning his other important responsibilities.

Senator LeBreton: Honourable senators, since Senator Fox quite clearly states that we are masters or mistresses of our own house, I would not want to prejudice the question. I think it is a legitimate question to be referred to the Rules Committee. I am sure all honourable senators in this chamber would readily abide by a rule change if the committee, which has members from all sides, so deemed.

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, I will just make a suggestion. Perhaps the problem posed by the Speaker's ruling could be resolved if our colleague, the minister and senator, were to run in a by-election in Repentigny.

[English]

Senator LeBreton: Honourable senators, that suggestion was made before. We already have a candidate nominated in that riding. Senator Fortier has made it clear that he intends to run in the next general election, and I am sure that when he does and wins a seat in the House of Commons, he will miss us all greatly here in the Senate chamber.

[Translation]

Senator Rivest: Since Repentigny is in my region, I could easily help our colleague, the senator, and I am certain that he would come in second, behind the Bloc Québécois.

[English]

Senator LeBreton: Am I to take it that Senator Rivest is ready to come back to us?

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

INCREASE TO MINIMUM WAGE

Hon. Jeremiah S. Grafstein: I have a question for the Leader of the Government in the Senate.

Is the government prepared to restore the minimum wage in the federal jurisdiction, to show leadership to the provinces in order to alleviate the plight of the working poor in this country?

Let me provide an example that might assist the Leader of the Government. For the working women of this country, the largest percentage are now at the poverty line or below; 53.9 per cent of working women are at the poverty line; 2.6 million women live at the poverty line; 47.1 per cent of single-parent women are the working poor. When it comes to Aboriginal women, the average income of Aboriginal women is \$13,300, compared to Aboriginal men of \$18,200.

• (1355)

If we want to accept an increase of \$2 in Ontario, it would mean \$16 more per worker in pay, times five, which would be \$80 more for these poor working women. That would provide them with a food basket for one week. Economic studies have been done in the OECD that indicate that an increase in the minimum wage would have a *de minimis* effect.

We now have the DePew Research, which shows that the majority of supporters of both parties in the United States now favour an increase in the minimum wage which would call on federal leadership with respect to the states. We learn that six of the United States have now approved a plebiscite to increase their state minimum wage.

Will the federal government take a leadership position to alleviate the plight of the working poor in this country by increasing the minimum wage in the federal jurisdiction?

I add this one comment. On the Banking Committee, Senator Angus and I are very concerned with respect to productivity. All of the economic studies that I have seen, both here and in Europe, indicate that this increase would not in any way, shape or form have a detrimental effect on the economy. There is no economic reason not to increase the minimum wage.

Would the federal government now show some leadership and convince not only themselves but also the provinces that this measure would help to reduce or ameliorate the plight of the working poor in this country?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. Upon hearing his plea, I could not help but wonder why there was not some success with the previous government on this front. However, suffice it to say that I will certainly take the honourable senator's question as notice and respond as soon as possible.

Senator Grafstein: For the historical record, I understand — and I may not be correct; the honourable senator may correct me — that the government of Brian Mulroney eliminated the federal minimum wage criteria, and it is true that subsequent governments did not restore it. Surely, because of the Leader of the Government's close relationship with Brian Mulroney, who has always been concerned with the working poor, this is something that she might consider.

Senator LeBreton: Honourable senators, as I have often said, Mr. Mulroney was blamed for lots of things and never received credit for a lot of things, although recognition is starting to come now. The government of the honourable senator's particular party was in office for quite some time. I would have hoped that if there was such an injustice in this area, steps would have been taken to address it.

There are some serious concerns about the working poor, particularly women and other people living in our Aboriginal communities. I know that the government of which I am now a part would be certainly very sympathetic. I do not know exactly what plans are in play. As I said, I will take the question as notice and attempt to get an answer as quickly as possible for the honourable senator.

Senator Grafstein: Honourable senators, I will conclude with this comment: I have been equally critical of my own government in Ontario, which is a Liberal government. I started several weeks ago to indicate that I was unhappy with their refusal to increase the minimum wage in Ontario. It is not a question of blame; it is not a question of responsibility; it is a question of where we go from here. I think that this Senate, which has been less partisan than other places, could join together in a common cause to induce or seduce the federal government to take leadership on this issue.

Senator LeBreton: The Honourable Senator Grafstein is absolutely right. The question is: Where do we go from here? The honourable senator did underscore a serious problem. I will make every attempt to get a serious answer to the question.

NATIONAL DEFENCE

AFGHANISTAN—VISITS BY PARLIAMENTARY
DELEGATIONS—ENTERTAINMENT FOR TROOPS—
DELIVERY AND ALLOCATION OF AID

Hon. Tommy Banks: Honourable senators, my question is for the Leader of the Government in the Senate. Senators will be pleased to know that, while they have noted that I often stand up and talk about some things of which I know little, I will now talk about show business.

Some Hon. Senators: Oh, oh!

Senator Banks: You must take my word for a fact, although you have not seen it, that I know a great deal about show business.

Last night on the CBC news — a network that still pays attention to rule A1 of checking the facts before they report them — Peter Mansbridge observed that given Canada's military involvement in Afghanistan, and I quote him, "you might expect Parliament's defence committees would have paid a trip to the region by now. They haven't. The Senate committee did try, but complications stalled their trip in Dubai, and the Commons committee, they haven't even made it to the airport."

• (1400)

That is partly true, although the Senate committee has in fact been to Afghanistan before and wanted to go again, as honourable senators well know.

The show business part comes as follows. There is a government website to which one can apply and bid on putting together entertainment packages to take to our troops in Afghanistan. That is an admirable thing. I note that such a group is going to Afghanistan in November — this month — and it includes some very distinguished, established performers and some new, up-and-coming talent that I commend to your attention. My point is that, between Jean Lapointe and me, we could put together a hell of a show. There is great talent in the Senate.

Senator Lapointe, I require your concurrence.

If Senator Lapointe and I were to put together a package to take to Afghanistan, it would be a big show. It would require roadies. We could take Senator Kenny, Senator Moore and Senator Meighen as roadies on our show and we could ask some bootleg questions while we are there about the matters at hand. My question to the Leader of the Government is, would she support such an undertaking to Afghanistan?

We might be able to find, during the course of our visit, answers to some of the things that this committee has been seeking to find out. I will parenthetically note, in response to a question I had earlier asked the leader, that this is not about money being spent — as we know, it is not being spent — but money that is earmarked to be spent in Kandahar, where Canada's troops are.

This is a double-barrelled question. I had asked the leader how much money that was and she replied correctly that the amount earmarked for spending in Kandahar province is \$15 million. My

first question is, would she support the idea of us taking a nice Senate show to Afghanistan?

My second question is: Canada has booked \$100 million this year for aid through the Canadian International Development Agency to Afghanistan. The Leader of the Government has correctly told us that of that amount \$15 million is attributable to Kandahar province. Is it appropriate that 15 per cent of Canada's foreign aid money, earmarked through CIDA for Afghanistan, namely \$100 million, should be spent in that part of the country where Canada's troops are operating while the other \$85 million goes into an unfollowable hopper, into the coffers of the central government where it is very difficult for us to follow the efficacy of the spending of that money?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am really disappointed with Senator Banks' and his question because the other day he said I was great tap dancer, but he did not include me among the possible senators who could provide the entertainment.

I saw the CBC report last night. The truth of the matter is that the military had offered to take the Foreign Affairs Committee in the other place into Afghanistan and, if my memory serves me correctly, they were talking about doing this the week break of Remembrance Day, and at one point talked about including members of the House of Commons and Senate in that trip. The truth of the matter is that the Liberal members on that committee did not want to go at this time because it was too close to the Liberal leadership convention, and the Bloc members on the committee did not want to go because they did not want it to interfere with Remembrance week. There was no effort whatsoever to prevent parliamentary committees from going into Afghanistan. As a matter of fact, I believe that the committee in the House of Commons is working with military officials to schedule a trip into Afghanistan in the very near future.

• (1405)

With regard to the longer question about aid into Afghanistan, of course, Minister Verner and I spoke about the \$15 million. I believe there is now a long, detailed answer to that in terms of where aid money is going and to whom it is being directed, and I will try to answer that part of the question with a delayed answer.

Senator Banks: That will be welcomed, because the Leader of the Government in the Senate will be doing something that the minister has not. The minister has appeared before the Standing Senate Committee on National Security and Defence and was unable to answer that question. The committee then wrote to the minister, at her suggestion, asking that specific question. The minister responded with a letter, and then "exhibit 1" was, "We cannot tell you that information." The undertaking in that respect of the Leader of the Government in the Senate will be most welcome and I thank her for it.

Senator LeBreton: Honourable senators, I hasten to add that Afghanistan is the largest recipient of aid from Canada, and, as the honourable senator knows and as everyone in this chamber can appreciate, the difficulty in getting aid to that area, particularly, in the Kandahar provinces, because of the unstable situation on the ground. We are hopeful that the NATO efforts continue to secure the area so that more aid can be delivered. As I said a moment ago, I will attempt to give as full an answer as possible.

Senator Banks: I am assuming that the Leader of the Government is intimately familiar with the nature of the question that was asked by that committee of the minister with respect to other means of delivering that aid "to the point of the stick," if I could put it that way. I ask the honourable leader to take that into account in her question.

[Translation]

Hon. Jean Lapointe: Honourable senators, I arrived just when Senator Banks mentioned my name and my participation in a possible show. I would like to ask him a question: if Senators Ringuette, Rompkey and I went to Afghanistan to put on a show, would you agree to put the grand piano in front of us and to have us sing behind it?

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE— EFFICACY OF LONG GUN REGISTRY

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, my question for the Leader of the Government in the Senate pertains to a slightly more serious matter, firearms.

When reading *Le Devoir* today, I was very surprised to find an article from the *Canadian Press* indicating that, last spring, the Minister of Public Safety had wound down the firearms program advisory committee and, since then, had established a new committee that has no representation from organizations that support maintaining the firearms registry, or from the Coalition for Gun Control, or from Quebec suicide prevention organizations.

[English]

Perhaps the most astonishing of all is not the police organizations that are in favour of the gun registry, such as the Canadian Association of Chiefs of Police, the Canadian Professional Police Association, and the Ontario Association of Police Chiefs. We know that the police are strongly in favour of maintaining the gun registry. They use it 6,500 times a day, and they would not do that if they did not think it was worthwhile. It sounds suspiciously, as it appears to have been done with the Wheat Board and in other cases, as if the government has created an advisory committee that will give it only one kind of advice, namely, a predetermined kind of advice that will be agreeable to it. My question to the minister is: If all you will get is one side of a picture, why have an advisory committee at all? Surely, the whole point of such a committee is to point out to the government things that might have escaped its attention, that might change its perspective.

• (1410)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I have not seen the article to which the honourable senator refers, but the Minister of Public Safety is consulting widely with many organizations.

With respect to the whole issue of gun control, there is no question that this government is very much in favour of strict gun laws. The issue here, of course, is the long gun registry. Obviously a lot of people still confuse the issue of gun control and gun safety with the long gun registry.

The fact is that I have not seen the article, and I do not know what is being referred to. Suffice it to say that this government is very committed to dealing with all issues surrounding crimes committed with guns, including a strengthening of the registry.

As I pointed out in an earlier answer with respect to the Dawson College tragedy, the young man who perpetrated those crimes had legally registered firearms. The issue lies in strengthening our laws and having mandatory minimum sentences for crimes committed with guns.

I believe that Minister Day has acquitted himself and our government extremely well on the whole issue of making our communities safer.

Senator Segal: Hear, hear!

Senator Fraser: The Leader of the Government in the Senate did not actually answer my question, but be that as it may. I draw to the minister's attention the fact that many of us believe that the registry of long guns is part of gun safety. Thousands of Canadians believe that to be the case. Many thousands of Montrealers, including victims of the Dawson College shooting, believe that to be the case. I would ask the honourable leader not to insult the intelligence of those who do not agree with the policies that her government supports.

Why have a consultative committee if the full range of opinion will not be represented on it? If a full range of expert opinion were available, the resulting policies may be improved.

Senator LeBreton: The honourable senator claims that I insult people's intelligence. I think she should assess the way in which she asks questions.

The fact is that the long gun registry cost us \$2 billion, and it was cited by the Auditor General as a colossal waste of taxpayers' dollars.

The honourable senator continually cites police checks. The 6,500 checks that she refers to do not involve only the long gun registry. It forms only part of the information available to police checks.

Minister Day has consulted widely. The honourable senator makes the assumption that he has surrounded himself with an advisory group that will agree only with him. That is an unfair and arrogant assumption. Minister Day has consulted some 500 groups over the course of the period since he was made Minister of Public Safety, including discussions with the gun safety group at Dawson College.

Senator Fraser: The minister does not have to answer this next question; she can take it as notice. I would like her to provide this chamber with a list of the members of the new committee.

Senator LeBreton: I am glad the honourable senator has given me permission to take it as notice.

NATIONAL DEFENCE

AFGHANISTAN—
VISITS BY PARLIAMENTARY DELEGATIONS

Hon. Colin Kenny: Honourable senators, all I heard was the Leader of the Government in the Senate dancing around the truth in her answer to Senator Banks.

I met with the Minister of Defence on June 19, together with the chair of the House of Commons committee. At that time, the chair of the House of Commons committee said that they had no interest in travelling to Afghanistan. Subsequently, the minister approached the Senate committee on several occasions — and I can list them — asking us if we would take the chair of the House committee and his parliamentary secretary along with us on our trip, because the Commons committee was not making that trip. They have since changed their minds. Would the honourable leader care to comment on that?

• (1415)

Hon. Marjory LeBreton (Leader of the Government): The information that I provided to Senator Banks was information that I got directly from the committee in the other place, and I cannot comment on meetings that took place last June.

ORDERS OF THE DAY

FEDERAL ACCOUNTABILITY BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Andreychuk, for the third reading of Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, as amended;

And on the motion in amendment of the Honourable Senator Mercer, seconded by the Honourable Senator Baker, P.C., that Bill C-2 be not now read a third time but that it be amended,

(a) in clause 40, on page 56, by replacing lines 7 to 9 with the following:

“statements may be produced by the Commissioner for the purpose of a prosecution for”;

(b) by deleting clause 121 on pages 103 to 109;

(c) by deleting clause 122 on page 110;

(d) by deleting clause 123 on page 110;

(e) by deleting clause 124 on pages 110 and 111;

(f) by deleting clause 125 on page 111;

(g) by deleting clause 126 on page 111;

(h) by deleting clause 127 on page 111;

(i) by deleting clause 128 on pages 111 and 112;

(j) by deleting clause 129 on page 112;

(k) by deleting clause 130 on page 112;

(l) by deleting clause 131 on pages 112 and 113;

(m) by deleting clause 132 on page 113;

(n) by deleting clause 133 on pages 113 and 114;

(o) by deleting clause 134 on page 114;

(p) by deleting clause 135 on page 115;

(q) by deleting clause 136 on page 115;

(r) by deleting clause 137 on page 115;

(s) by deleting clause 138 on page 115;

(t) by deleting clause 139 on pages 115 and 116;

(u) by deleting clause 140 on page 116; and

(v) by deleting clause 273 on page 193;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended in clause 227:

(a) on page 175,

(i) by replacing line 32 with the following:

“1.1 The Governor in Council may estab-”, and

(ii) by replacing lines 35 to 39 with the following:

“other members to perform such functions as the Governor in Council may specify, and may appoint the chairperson and other members and fix their remuneration and expenses.”;

(b) on page 176, by deleting lines 1 to 41; and

(c) on page 177, by deleting lines 1 to 20;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended,

(a) by deleting clause 39 on page 52;

(b) by deleting clause 40 on pages 52 to 56;

(c) by deleting clause 41 on page 56;

- (d) by deleting clause 42 on pages 56 and 57;
- (e) by deleting clause 43 on page 57;
- (f) by deleting clause 44 on pages 57 and 58;
- (g) by deleting clause 45 on page 58;
- (h) by deleting clause 46 on pages 58 and 59;
- (i) by deleting clause 47 on pages 59 and 60;
- (j) by deleting clause 48 on page 60;
- (k) by deleting clause 49 on pages 60 and 61;
- (l) by deleting clause 50 on page 61;
- (m) by deleting clause 51 on page 61;
- (n) by deleting clause 52, on pages 61 and 62;
- (o) by deleting clause 53 on page 62;
- (p) by deleting clause 54 on page 62;
- (q) by deleting clause 55 on pages 62 and 63;
- (r) by deleting clause 56 on pages 63 and 64;
- (s) by deleting clause 57 on page 64;
- (t) by deleting clause 58 on page 64;
- (u) by deleting clause 59 on page 64;
- (v) by deleting clause 60 on page 64;
- (w) by deleting clause 61 on page 65;
- (x) by deleting clause 62 on page 65;
- (y) by deleting clause 63 on page 65;
- (z) by deleting clause 64 on page 65; and
- (z.1) in clause 108,
 - (i) on page 93, by deleting lines 38 to 41, and
 - (ii) on page 94, by deleting subclauses (4) and (4.1);

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended in clause 121:

- (a) on page 103, by replacing lines 22 and 23 with the following:
 - “this Act referred to as the “Director”.”;
- (b) on page 105, by deleting lines 14 to 42;
- (c) on page 106,
 - (i) by deleting lines 1 to 8,

- (ii) by replacing lines 12 and 13 with the following:

“for cause. The Director”, and

- (iii) by deleting lines 40 to 42; and

- (d) on page 107, by deleting lines 1 to 3;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended,

- (a) by deleting clause 91 on page 86;
- (b) by deleting clause 98 on page 87;
- (c) in clause 108, on page 94, by replacing line 5 with the following:
 - “(5) Sections 65 to 82, 84 to 88, 90 and 92 to 97”;
- (d) by deleting clause 117 on page 100;
- (e) by deleting clause 141 on pages 116 and 117;
- (f) by deleting clause 142 on page 117;
- (g) by deleting clause 143 on page 117;
- (h) by deleting clause 144 on page 118;
- (i) by deleting clause 145 on page 118;
- (j) by deleting clause 146 on pages 118 and 119;
- (k) by deleting clause 147 on page 119;
- (l) by deleting clause 148 on pages 119 and 120;
- (m) by deleting clause 149 on page 120;
- (n) by deleting clause 150 on page 120;
- (o) by deleting clause 150.1 on page 120;
- (p) by deleting clause 151 on pages 120 and 121;
- (q) by deleting clause 152 on page 121;
- (r) by deleting clause 153 on page 121;
- (s) by deleting clause 154 on pages 121 and 122;
- (t) by deleting clause 155 on page 122;
- (u) by deleting clause 156 on page 122;
- (v) by deleting clause 157 on page 122;
- (w) by deleting clause 158 on page 122;
- (x) by deleting clause 159 on pages 122 and 123;
- (y) by deleting clause 160 on page 123;
- (z) by deleting clause 161 on page 123;

- (z.1) by deleting clause 162 on page 123;
- (z.2) by deleting clause 163 on pages 123 and 124;
- (z.3) by deleting clause 164 on pages 124 to 126;
- (z.4) by deleting clause 166 on page 126;
- (z.5) by deleting clause 167 on page 126;
- (z.6) by deleting clause 168 on page 127;
- (z.7) by deleting clause 169 on page 127;
- (z.8) by deleting clause 170 on page 127;
- (z.9) by deleting clause 171 on page 127;
- (z.10) by deleting clause 172 on page 127;
- (z.11) by deleting clause 172.01 on page 127;
- (z.12) by deleting clause 181 on pages 131 and 132;
- (z.13) by deleting clause 182 on pages 132 and 133;
- (z.14) by deleting clause 183 on page 133;
- (z.15) by deleting clause 184 on page 133;
- (z.16) by deleting clause 185 on pages 133 and 134;
- (z.17) by deleting clause 186 on page 134;
- (z.18) by deleting clause 187 on page 134;
- (z.19) by deleting clause 188 on page 134;
- (z.20) by deleting clause 189 on page 134;
- (z.21) by deleting clause 190 on pages 134 to 136;
- (z.22) by deleting clause 191 on pages 136 and 137;
- (z.23) by deleting clause 192 on page 137;
- (z.24) by deleting clause 193 on page 137;
- (z.25) by deleting clause 221 on pages 171 and 172; and
- (z.26) in clause 228,
 - (i) on page 177,
 - (A) by replacing lines 21 to 30 with the following:

"228. Sections 173 to 179 and 227 come into force on a day or days to be", and
 - (B) by deleting lines 32 to 44, and
 - (ii) on page 178, by deleting lines 1 to 4.

(Pursuant to the Order adopted on November 7, 2006, all questions will be put to dispose of third reading of Bill C-2 no later than 3:30 p.m. on November 9, 2006.)

Hon. Lorna Milne: Honourable senators, during my remarks on Bill C-2 at report stage, I noted that after reviewing the access to information provisions, members of your committee believed that there were cases where the balance between the right of Canadians to know and what information needs to be withheld for the greater good was not properly struck in the bill.

Your committee committed to restoring this balance through a series of amendments that I outlined during report stage debate. One of these amendments was intended to include in the bill a public interest override. The addition of the new clause 150.1 was intended to authorize the head of a government institution to disclose information that is, for any other reason, clearly in the public interest to do so. Clause 150.1 presently reads:

The Act is amended by adding the following after section 26:

26.1 Despite any other provision of this Act, the head of a government institution may disclose all or part of a record to which this Act applies if the head determines that the public interest in the disclosure clearly outweighs in importance any loss, prejudice or harm that may result from the disclosure. However, the head shall not disclose any information that relates to national security.

During committee meetings, the Canadian Bar Association, the B.C. Freedom of Information and Privacy Association and the Canadian Newspaper Association all proposed adding a general public interest override for all exemptions. As I noted during my previous comments, similar clauses are found in the provincial access to information legislation in B.C., Alberta, Saskatchewan, Manitoba, Ontario, and Prince Edward Island.

Shortly after reviewing these changes, it was brought to my attention that this amendment as written may have had an unintended consequence. Clause 150.1 possibly could now be interpreted to mean that all information relating to national security should not be disclosed.

It was never the intention of your committee to include a mandatory obligation on all government institutions to refuse to disclose any and all information regarding national security. We intend the Access to Information Act to operate in the same way that it always has in relation to requests regarding national security, using the injury tests that are provided throughout the act. The original amendment at clause-by-clause consideration was to clarify that the public interest override is not to be used to reveal secrets regarding national security.

This lack of clarity was brought to our attention by both the office of the Law Clerk of the Senate and the past Information Commissioner, John Reid.

MOTION IN AMENDMENT

Hon. Lorna Milne: Honourable senators, after listening to these concerns and discussing the matter with a number of colleagues, I have decided to move the following amendment. I move, seconded by Senator Day:

That Bill C-2 be not now read a third time but that it be amended in clause 150.1 on page 120 by adding after the words: "However, the head shall not disclose", the following:

"under this section".

This amendment will serve to remove any uncertainty regarding the use of the new clause 150.1, the public interest override.

• (1420)

The Hon. the Speaker: Senator Milne has the floor on the amendment.

Senator Milne: Honourable senators, as I said I would during report stage, I will describe some of the amendments made in committee to clause 227 of Bill C-2, which establishes a public appointments commission. I believe honourable senators will find it a revealing tale of good intentions gone wrong, and inevitable compromise.

Originally, the documentation that accompanied the federal accountability act stated, "the appointment process for agencies, commissions and boards is not as transparent or merit-based as it could be." Therefore, the papers continued, "the Federal Accountability Act will create a Public Appointments Commission in the Prime Minister's portfolio to oversee, monitor and report on the selection process for appointments and reappointments to government boards, commissions, agencies, and Crown corporations."

This sounded encouraging, and I was curious to see what the new government had proposed, so I looked up the first reading version of Bill C-2 and saw a section establishing the public appointments commission. It read:

228. The Salaries Act is amended by adding the following after section 1:

PUBLIC APPOINTMENTS COMMISSION

Establishment of Commission

1.1 The Governor in Council may establish a Public Appointments Commission consisting of a chairperson and not more than four other members to perform such functions as the Governor in Council may specify, and may appoint the chairperson and other members and fix their remuneration and expenses.

That was it. There was no legislated mandate and nothing about a term in office. In fact, in order to get a better idea of how this proposed commission would operate, I had to go to a press release dated April 21, 2006 and posted on the Prime Minister's website. The press release explained that the commission as originally proposed would, first, establish guidelines governing selection processes for Governor-in-Council appointments to agencies, boards, commissions and Crown corporations; second, approve the selection processes proposed by ministers to fill vacancies within agencies, boards, commissions and Crown corporations for which they are responsible; and third, monitor, review and evaluate selection processes in order to ensure that they are implemented as approved.

A number of amendments to the provision in Bill C-2 establishing a public appointments commission were made in the other place. These amendments included a series of functions for the commission to perform, an appointment process for those nominated to the public appointments commission, a term of office for commissioners and an obligation to produce an annual report that would be transmitted to both chambers of Parliament via the Prime Minister.

Senator Murray shared his thoughts on these amendments yesterday, and we must all decide whether to support his amendments on this matter.

Be that as it may, after reviewing this expanded set of proposals in Bill C-2, your Standing Senate Committee on Legal and Constitutional Affairs suggested further amendments. The first was simply to compel the government to follow through on its commitments to Canadians to establish this public appointments commission for all the reasons they had listed when they introduced the legislation. If this was an important enough tenet of the government's agenda for nominees to be presented for consideration long before the bill was to become law, why make the establishment of this commission discretionary? If this government is truly committed to this approach as the correct one to ensure accountability and transparency in the appointments process, it should not be discretionary.

The provisions establishing the public appointments commission were silent on how one would be reappointed to the commission if one were chosen to serve for more than one term. Bill C-2 was also silent on the need for the Prime Minister to consult with anyone in the Senate or the House of Commons regarding appointments to the commission. Therefore, your committee passed amendments obligating the Prime Minister to consult with the leader of each recognized party in the Senate before recommending a person for appointment or reappointment to the public appointments commission.

Honourable senators, given that a committee of this chamber will be mandated to study the annual report of the public appointments commission once Bill C-2 is passed, your committee felt it was only proper that this chamber should have some recourse to provide input into the appointment process for this commission.

Other changes proposed by your committee will compel appointees coming from outside the public service to educate themselves about the code of practice that will be established by the commission and will extend the length of appointment for commissioners to seven years. The latter change acknowledges that it will take time for a new commissioner to become familiar with the various appointment processes they will be charged to oversee and report on. Therefore, it was felt that an extended appointment period would be prudent and allow Canadians to greater benefit for the accumulated experience of public appointment commissioners during the latter years of their appointment.

As I mentioned earlier, the journey of this public appointments commission reveals a tale of good intentions on the part of our current government to improve transparency in the appointments process. In my opening remarks I also spoke of an inevitable compromise. This compromise is one where the government took

the first steps to improving transparency in the appointments process but then showed unfortunate signs of renegeing on this commitment to Canadians.

Your committee felt that, in order for this government to fulfil its clearly stated obligation to Canadians, the bill required an amendment to ensure the appointment of a public appointments commission. I believe that compelling this government to establish this PAC, along with all the other amendments that were moved by your committee, is the reminder that the government obviously needs that a public appointments commission really is in the best interests of all Canadians, and I urge all senators to support these amendments.

Hon. John G. Bryden: Honourable senators, I rise today to join in the debate on Bill C-2, the proposed federal accountability act. I would first like to commend all honourable senators who spent so many hours studying this very long and complex bill. I was not a member of the committee during that study, but I followed its proceedings closely.

I extend my congratulations and thanks to all who participated in this important study — Senator Oliver, who chaired the committee; Senator Milne, the deputy chair; Senator Day, who took on the task of serving as the main opposition critic on this huge bill; Senator Stratton, who took on the task of representing the government's position to witnesses and committee members; and all committee members who acquitted themselves admirably during this difficult traffic.

I extend my congratulations and gratitude as well to all the support staff — most important, *Gérald Lafrenière*, the committee clerk; and also to his colleagues who stepped up to assist in managing this extraordinary file. I understand that just about half of the staff of the committee's branch was involved in this file in one way or another. I also extend congratulations and gratitude to the excellent staff of the law clerk's branch. We owe a huge debt of gratitude to all of them. It is clear to me that they have done an impressive job of examining this very complex legislation and putting forward amendments that will significantly improve it. This is another example of the contribution made by this chamber to federal law and policy.

• (1430)

Senators, like everyone who has spoken on this bill, I strongly support the objectives of Bill C-2, namely increased accountability and transparency in the federal government. I should tell you, though, that without the committee's many amendments, it is far from clear to me that this bill in fact would have achieved its stated objectives.

I share the view of one of the witnesses before the committee, Stanley Tromp, research director of the B.C. Freedom of Information and Privacy Association. He ended his opening statement as follows:

I close with two lines from the British television series, "Yes Minister," an episode entitled "Open Government." Sir Humphrey Appleby, the supreme bureaucrat says, "I explained that we are calling the white paper 'Open Government' because you always dispose of the difficult bit in the title. It does less harm there than in the statute books. It is the law of inverse relevance: The less you intend to do about something, the more you keep talking about it."

Accountability really means accountability to Parliament. The question, then, is: Does this bill in fact enhance the ability of Parliament to call the government to account? I worry that it does not. In fact, it may, in the long run, have the opposite effect and undermine our parliamentary democracy by actually reducing the role of Parliament in holding the government to account.

The government and a number of honourable senators opposite defend this bill by pointing repeatedly to the Gomery report. They try to paint those of us on this side as being out of touch in questioning Bill C-2, suggesting it is essential in order to prevent the problem that led to the Gomery commission.

As Senator Mitchell pointed out here last week, Justice Gomery himself has said that there is not a single feature of this piece of legislation that accommodates his recommendations. Indeed, a number of witnesses before the committee were very clear that nothing in the bill would prevent another sponsorship issue. We already had all the rules that we needed; they were already in place. The problem was that the rules were not followed, and nothing in Bill C-2 would or could have prevented that.

Justice Gomery's report does not recommend the establishment of a director of public prosecutions, or a public appointments commission or even a procurement auditor. I note that Joe Wild, senior legal counsel to the Treasury Board, admitted under questioning that this was as misnomer. The bill really creates a procurement ombudsman, a person who would have absolutely no powers to audit procurement. I commend the committee for putting that name right in its amendments.

Justice Gomery did not recommend the merger of the Ethics Commissioner and the Senate Ethics Officer into a single office. As far as I can tell, Justice Gomery did not once suggest any problems with the existing offices at all. Many of the new positions and organizations that Bill C-2 creates are not the result of the Gomery report. At the same time, many of the changes Justice Gomery did recommend — for example, on issues such as access to information and whistle-blowing — were not reflected in Bill C-2. I am proud to see that the committee amendments would remedy a number of these omissions.

The real thrust of Justice Gomery's report was summarized in the opening paragraph of his introduction when he asked: "Where were the parliamentarians?" He said this question identified "a key failure in the management of the sponsorship program: the failure of Parliament to fulfil its traditional and historic role as watchdog of spending by the executive branch of government."

Indeed, his primary recommendation was the following: "To redress the imbalance between the resources available to the Government and those available to parliamentary committees and their members, the Government should substantially increase funding for parliamentary committees."

Witness after witness alluded to this and noted its conspicuous absence from the government's proposed accountability act — and, indeed, their famous federal accountability action plan. Honourable senators, there are thirteen separate sections of the action plan, in addition to an introduction and a conclusion. None of these speak of increasing funding for parliamentary committees.

Instead, this government's approach is to interpose new officers and boards, essentially to take over those functions that under our parliamentary democracy have always been and should be the responsibility of Parliament. This was noted with concern by witnesses before the committee. Peter Aucoin, the eminent professor of public administration at Dalhousie University, testified before the committee. He had written an article entitled, *Naming, Blaming and Shaming: Improving Government Accountability in Light of Gomery*. In it, he looked at the Conservative Party's proposal, reflected in Bill C-2, to improve Parliament's capacity to hold the government to account. He wrote:

What is noteworthy here is that the capacity of Parliament to hold ministers and officials to account is considered almost exclusively in terms of Parliament's agents and not MPs themselves. And, in the Canadian tradition — a tradition that is not shared fully by other Westminster systems — these agents or officers of Parliament are deemed to be "independent," that is, not subject to direction or control by MPs. Within their statutory mandate, they perform their oversight functions of audit, investigation and review as they see fit.

It is not surprising, accordingly, that the Conservatives would propose reforms to improve government accountability that draw their inspiration from the model of the Auditor General — the pre-eminent independent officer of Parliament. One could almost say that MPs have agreed to "contract out" the duty of Parliament to hold ministers and officials to account to their parliamentary agents.

Sharon Sutherland, a professor at the school of public studies at the University of Ottawa, told the committee:

Bill C-2 is not a Conservative bill; it is a radical bill. If it is passed, we will detach ourselves from institutions that we know or could come to know again for an unknown destination.

David Smith, professor emeritus of the University of Saskatchewan, testified to his own concerns with Bill C-2's emphasis on officers of Parliament. He said,

There is a constitutional theory, more American than Canadian or British, that sees auditors and officers such as the officers of Parliament as constituting an integrity branch of government. The phrase is Bruce Ackerman's, a professor of law at Yale.

Whatever its validity in another political system, the concept of an integrity branch of government, which uses agents of Parliament as its components, does not fit well with the Canadian Constitution.

Honourable senators, I am concerned about the direction in which this bill and this government are taking the institutions of Canadian parliamentary democracy. I am particularly concerned that this government may not fully understand the potential consequences of the changes it is introducing.

Arthur Kroeger, the eminent former mandarin who served with great distinction as deputy minister for a number of departments, and whose knowledge of our system of government is, I think, universally recognized, told the committee that there were a number of elements in Bill C-2 that, as he graciously expressed it, "might have come out differently" had they been written "by a government with more experience in office."

I echo his concerns and add my own. Do we know what we are settling in motion with these changes, honourable senators?

Professor Smith also voiced these concerns, using the example of the proposed creation of a single ethics commissioner for the two chambers of Parliament.

• (1440)

He told the committee:

Something more fundamental is at stake than a lack of recognition of difference in personnel. As well, there is disregard for the corporate and cultural distinctiveness of the two Houses of the Canadian Parliament. In other words, there is an inadequate recognition of the imperatives of bicameralism. Symbols are important in politics, and the bill communicates a disregard for the distinctiveness of the two chambers.

He later continued:

To those unfamiliar with political institutions and the Constitution, the number of ethics overseers may seem an inconsequential matter. The preceding argument suggests otherwise. There are practical and symbolic reasons to recommend against the introduction of a single ethics commissioner for both Houses of Parliament.

Professor Sutherland succinctly expressed my own concerns with this bill when she said:

What alarms me is that the proposed legislation may just put the system into motion in ways that we cannot anticipate.

There are elements in Bill C-2 that I believe could assist parliamentarians to do their job better. For example, the proposed parliamentary budget officer could be of enormous assistance in better positioning parliamentarians to hold the executive to account, but — and this is a big but — it will depend whether the officer is given the resources he or she needs to be able to fulfil the promise of the position. Simply creating the office is not enough.

Mike McCracken, the Chair and Chief Executive Officer of Informetrica, told the committee:

If you want to be serious, you should be looking at a staff in the order of 50 to 150, consulting budgets, subscription services, a website to run it and a budget of about \$15 million.

Senator Day asked Bill Young, the Parliamentary Librarian under whose auspice this officer will work, about the estimated budget for this office. He was told that the Library had been

looking into this but was “really drawing numbers a bit out of the clouds.” That sounds to me a little like a nice idea, but one that had not been fully thought through or costed out, even five months after Bill C-2 had been tabled in the other place.

This makes me ask: How serious is the government, really, about better equipping Parliament to hold the executive to account? The numbers that were discussed were a small fraction of Mr. McCracken’s \$15 million.

Honourable senators, I worry that this, as one witness described another part of Bill C-2, is really smoke and mirrors. Perhaps this government learned the wrong lesson from Sir Humphrey Appleby and indeed decided to focus on the title of the act and make loud speeches about accountability, but when you look at the nuts and bolts of their proposal —

The Hon. the Speaker: Senator Bryden’s time has been exhausted.

If he were to ask —

Senator Fraser: May he have five more minutes?

Senator Stratton: Five minutes.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Bryden: Honourable senators, perhaps this government learned the wrong lesson from Sir Humphrey Appleby, and indeed decided to focus on the title of the act and make loud speeches about accountability, but when you look at the nuts and bolts of their proposal, true accountability and transparency is seriously lacking.

Congratulations to our Senate committee. They have done what they could to see that accountability and transparency are actually reflected in this bill. Because of their excellent work, I will support this bill.

Senator Corbin: The problem is that the bolts do not have nuts.

Hon. A. Raynell Andreychuk: I rise to speak at third reading stage of Bill C-2.

Before proceeding, I want to thank the clerk of the Standing Senate Committee on Legal and Constitutional Affairs and all the staff, too many to be named in this chamber, who worked under very unusual circumstances and extensively long hours to accommodate both sides of this chamber.

We have been through a very long process with this bill in the Senate. We received it on June 22 following extensive study and amendment of over 100 clauses in the other place. The bill was given due consideration at second reading stage and then went to the Standing Senate Committee on Legal and Constitutional Affairs, where we began examination on June 27, 2006.

That was the first of 28 committee meetings held from the end of June through September, including the three weeks that we are normally on break, and then through October. During that time

we heard from 158 witnesses, well over twice the number who appeared before the committee in the other place.

Much has been said about our role in legislation. From my perspective, I wish to reiterate that the Legal and Constitutional Affairs Committee scrutinizes bills that come from the other place in order to ensure the effectiveness of the legislation, to ensure its viability, operability and legislative and constitutional compliance. We seek to determine if a bill is in proper order; if it complies with the Constitution and the Charter; if it is consistent with good legal drafting practices; and if there are associated unintended consequences that we need to deal with.

We consider legislation with an eye to improving it, not to changing the policy intent behind it. We do not tread on the will of the government, nor do we change the methodology chosen to exert that will. If we do, we are entering into partisan politics, and we say in this chamber that we are independent.

With regard to these principles and approaches that guide our —

Senator Mercer: Welcome to fantasyland.

Senator Andreychuk: In support of these principles and approaches that guide our behaviour, I would like to join with my colleagues who have spoken before me, Senators Nolin and Joyal, when they spoke at the report stage and referred to *Protecting Canadian Democracy*. In particular, I want to quote the Right Honourable John A. Macdonald, who said about the role of the Senate:

It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill-considered legislation which may come from that body but will never set itself in opposition against the deliberate and understood wishes of the people.

Rather than focusing on this principle and the admonition embedded in the use of the word “never,” Senator Joyal, I believe, focused on the 44 instances that this chamber has set itself in opposition to the wishes of the people. If I am correct, he then took guidance from those instances and made his case for one substantive amendment to Bill C-2.

Honourable senators, I want to now discuss whether this bill is an instance where the chamber should set itself up in opposition to the wishes of the people. In fact, many of the technical amendments arose as a result of the swift changes in the House. Clearly, these types of amendments go to improving the bill upon reflection, and no doubt, as we in the Legal and Constitutional Affairs Committee have often noted, once a practice is instituted by way of implementation of a bill, other improvements are always noted. No piece of legislation remains static.

As I said in my comments at report stage, many of the amendments put forth by both sides of the committee were technical in nature; they either improved the administration of the bill or clarified its language. Since no bill is perfect, I am pleased that honourable senators on both sides of this chamber were able to work together to improve the legislation in this way.

I want to point out that the curious indication that this bill would not be subjected to the usual good scrutiny that the Legal and Constitutional Affairs Committee routinely gives to bills was noted when Senator Day did not wish these amendments to be called "technical." In retrospect, what was to come by way of amendments — and the sheer volume of them — could be construed, if spun mischievously, as saying that these amendments proved the need to dramatically overhaul this piece of legislation, and this is not so. In fact, the sheer number of amendments, stripped down, point out that there were some good, technical amendments for simple clarification of the bill, while not changing the direction or the content of the bill. These, in turn, led to a whole host of amendments that are simply consequential amendments. For instance, if you change the words "senior public office-holder" to "designated public office-holder," a series of consequential amendments is necessary. However, interspersed with these technical amendments grew an accelerating number of substantial changes to the bill, both in committee and now on the floor of the house, which separately might not change the purpose of the bill and the methodology of the public policy that the government had chosen. However, honourable senators, make no mistake that if these amendments are passed in total, there can be no dispute that we have not only interfered and attempted to govern and usurp the executive's role and, as a result, have clearly thwarted the government's wish to bring accountability as they perceive the people's will and as they perceive they could accomplish it.

• (1450)

I would like to set a couple of examples before honourable senators. The Liberal senators amended the bill to permit the disclosure of the Auditor General's working papers created or obtained during the course of an audit. On this point they decided to take the advice of Alan Leadbeater, Deputy Information Commissioner, while completely ignoring the Auditor General's warnings. She pointed out that his recommendations would put a chill on her work. She told the committee:

We also take exception to the Deputy Information Commissioner's statement that the quality of our audit work can only be assured through the public access of journalists and others to our audit papers. This view does not recognize the many internal and external mechanisms that we have to ensure that we maintain the highest professional standards and quality in our audit work.

She further stated:

What particularly concerns me is working papers being released while an audit is going on, or shortly after an audit, which is the case now. People have not been able to validate those things and erroneous information could be made available. As long as the audit is protected while it is going on, and for some period of time afterwards, that would be fine.

Clearly, this Liberal amendment intends to improve openness but has precisely the opposite effect.

Another amendment made by Liberal senators on the committee was to protect the priority status of exempt staff for one year after they leave their position. This runs completely contrary to the government policy of eliminating the priority list

for exempt staff that enables them to go into a public service position without having to compete for it, effectively giving them, in my opinion, a free ride into the public service. There is more than a hint of entitlement in this amendment because it will benefit former exempt staff under the previous Liberal government. As Senator Day told the committee:

They would lose their earned priority status. That is what we are trying to avoid.

However, he did not explain how a staffer "earns" his priority status.

Senator Day also pointed out that the purpose of the amendment was "basically to preserve." I would suggest that most Canadians would not support preserving this kind of policy. We want our public service to be based on merit. While our Liberal colleagues have said that they support accountability and, in fact, on the record support this bill, I would ask whether it is their version of accountability from previous practices that they support or the new government's version. The Conservative government has promised to change a culture of entitlement and establish a new strategy for addressing the problem of lack of accountability in Canada. The substantive amendments proposed by the other side of this chamber substantially change, obfuscate, dilute or extinguish the new government's plan of accountability. Honourable senators, I sat in opposition for many years and there were often times when I disagreed with government bills and their approaches; so I know the temptation. However, the principles, conventions and our role in the parliamentary process are important. We cannot deliberately set these aside for partisan purposes.

I have already stated my deep concerns for the extensive amendments and the 59-page document that was attached, by force of majority, as observations of the Legal Committee. Clearly, these could be nothing more than a report in support of amendments brought into play in a partisan way. These observations can best be described as 59 pages of politically charged rationale on why the Liberal members of the committee substantially changed the bill. To point this out by way of example, I touch on the section regarding the proposed director of public prosecutions, which raised several matters, such as the opposition's perceived lack of need for a DPP, especially to deal with prosecutions under the Canada Elections Act, and the appointment process for the position. This matter of the DPP was also raised during committee hearings. Yesterday, Senator Mercer and Senator Baker spoke to the subject of the DPP once again, with Senator Mercer commenting, "If it ain't broke, don't fix it."

With all due respect to my honourable colleague, as the Justice Minister told the committee back in June, the position has not been created to correct a problem that has already occurred but to "prevent problems from arising in the future." Some comments and related amendments reflect an underlying attempt to draw an equation between the American-style special prosecutor and the proposals here. Honourable senators, this is based at best on a misunderstanding of the issues. Robert Frater, Senior General Counsel, Justice Canada, tried to clarify this when he told the committee on June 29:

Bill C-2 does not adopt an American-style prosecution whereby DPPs would have their own investigative force to prepare the investigation, after which the charge would be

initiated. Things would be just as they are now where the police or other investigative agency would do the work, come before the Attorney General and have the Crown review the charge, depending on the jurisdiction, before it is laid. The bill is not intended to signal any kind of change in that respect.

He further stated:

There is nothing about the bill that ought to be perceived as affecting the independence of the police or other investigative agencies.

As honourable senators are aware, the DPP is found in Commonwealth nations such as the United Kingdom, Kenya and Australia. It is the example of Australia, not the United States, that provides the model for the position of the proposed DPP as provided for in Bill C-2. On its web page, the Australian Office of the Commonwealth Director of Public Prosecutions describes the position as "an independent prosecuting agency."

The Hon. the Speaker pro tempore: I am sorry to interrupt but the Honourable Senator Andreychuk's time has expired. Is she asking for leave to continue?

Senator Fraser: Five minutes.

The Hon. the Speaker pro tempore: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Andreychuk: It further notes that "...the Office operates independently of the Attorney-General and of the political process." I could continue but I believe I have made my point. The proposed director of public prosecutions is based on sound principles. It is a position that I believe we could adopt to solve problems before they arise.

Before I finish my remarks, there is one more matter that must be dealt with today. It has come to my attention that there is a technical amendment that should be made to Bill C-2. This matter was raised at committee but defeated by a show of hands. I must point out that at the time this motion was submitted, not everyone had a copy of the amendment and there was some confusion between this motion and another being tabled by the opposition. Unfortunately, the explanation given to the committee by Treasury Board officials about the impact of this amendment was not as complete as it could be and no illustrations were provided that would have helped us to better understand the amendment.

The analysis that opposition senators used to decide whether to support the amendment was based on the assumption that this amendment conflicted with another amendment presented by the opposition. The amendment conflicted because it referred to a section of the bill that the opposition later moved to delete, specifically where the amendment refers to subsection 6(2) and sections 21 and 30, which were deleted and explains why the opposition would not want that portion of the amendment included.

• (1500)

MOTION IN AMENDMENT

Hon. A. Raynell Andreychuk: To assist the members of the opposition and the government, I move:

That Bill C-2 be not now read a third time but that it be amended in clause 2 on page 32, by replacing lines 23 to 25 with the following:

"64. (1) Nothing in this Act prohibits a member of the Senate or the House of Commons who is a public office holder or former public office holder from engaging in those".

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Senator Andreychuk: Without this amendment, honourable senators, a former cabinet minister who ceases to be a cabinet minister but remains a parliamentarian would not be prohibited from working with the department of which he or she was once head on behalf of his or her constituents. The problem with the bill as it exists is that a provision of the Conflict of Interest and Post-employment Code for Public Office Holders was not carried over into the conflict of interest act. Without this amendment, some MPs and senators would be placed in a conflict of interest by virtue of the office they hold. For example, the Honourable Ken Dryden would not be able to contact Social Development on behalf of any constituent who had not received his or her old age security cheque. I do not believe we want this unintended consequence. This was clearly an oversight, and I would urge parliamentarians to support the amendment.

Honourable senators, the bill before us today is a heavily amended version of the one we saw last June. It remains to be seen how the Senate efforts will be seen by the people of Canada in strengthening accountability.

Hon. Lowell Murray: The honourable senator sought and received an extension of five minutes to her time. I believe she still has a little bit of time left. Would she accept a question?

I believe the honourable senator has a notice of inquiry concerning the practice of appending observations to legislation. I agree with her concerns about that and I hope to take part in it, with a view to regularizing the process and putting parameters around it. This is a matter we have returned to not infrequently over the past 15 or 20 years.

Second, I agree with the honourable senator concerning the amendment by the committee that would force the Auditor General and government departments to disclose internal working audits. I wish, therefore, that she would join in supporting my amendment to remove all the provisions relating to access to information and privacy until we have had an opportunity to stand back and see what we have wrought over the past 20 years or so with some of these officers and agents of Parliament.

Where did the honourable senator ever get the notion — and she is not the first to have brought it up in this debate — that the Senate ought not to impinge on the policy priorities and prerogatives of the government in our activities, in our

amendments and in our votes? If we were ever to have accepted such advice, I and she would have remained mute in a number of debates in which both of us expressed ourselves by way of amendment or vote; in my case, the patriation of the Constitution and the National Energy Program, and in all our cases, amendments to the Unemployment Insurance Act, the attempt to postpone redistribution, the Pearson Airport and the gun registry. All of these matters were put forward as policy priorities, in some cases even election promises by one Liberal government or another, and I felt no compunction at all, and would still feel no compunction, about amending them or voting against them.

Senator Andreychuk: I think I prefaced my remarks by saying that the Senate has in fact moved in on public policy, but we have to do it sparingly and cautiously. I have come to the conclusion that we have to understand, as my colleagues in this chamber for 13 years have reminded me, that we are appointed senators and that when we move into direct confrontation with the government on its policy, we should do it in a measured and cautious way and not at every political opportunity.

I have no problem with voting down a particular piece if it is a question of conscience, fundamental belief or Constitution. However, if it is to trade one political partisan imperative for another, I question whether we can survive in this day and age as an appointed house.

Hon. Terry M. Mercer: Perhaps the honourable senator could answer another question. At the beginning of her speech she thanked the committee, the staff and everyone involved and talked about when the bill came to this place and when it went to committee. I was impressed by that. Then I consulted my own notes and noticed that we have had 140 witnesses before the committee, through 98 hours of meetings.

Would the honourable senator consider this chamber to be dragging its feet, if she praised the good work of the committee, which had 140 witnesses in 98 hours of meetings?

Senator Andreychuk: Senator Mercer, I do not intend to go into whether the committee or the opposition are dragging their feet. I think others will make those judgments. I think we sat for an unduly long time. We had a process that we need to reflect upon. I recall a number of bills that were as complex as this.

The Hon. the Speaker pro tempore: I am sorry, Senator Andreychuk. Your time has expired.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, with the introduction of Bill C-2, the government took on an extraordinary challenge: that of renewing the people's confidence in their public institutions, specifically, those that operate in the sphere of federal activity. The debate on this government bill was highly politicized, and I feel that in this very partisan discussion, we have not really managed to improve the tenor of the debate.

One important fact remains for anyone interested in governance issues. This is not simply about whether we are for or against; it is about knowing how to institute good governance.

Over a year ago, we all experienced the repercussions of the Gomery Commission report. In his first report, Justice Gomery focused on attributing the responsibility shared by the various players administering the sponsorship program. His second report made suggestions and recommendations to both modernize and reconfigure Canada's federal governance structure.

With more than 300 clauses, 264 pages and 13 themes, the federal accountability act is ambitious and, above all, complex. Its ministerial accountability is old-fashioned because over time, the size and complexity of the state have changed considerably.

• (1510)

This concept of governmental responsibility needed to be re-examined, to go beyond simple blame and to come back to the intrinsic concept of accountability. Most of all, the theatrics needed to be dropped from question period, which is often unproductive. In that sense, the bill has the merit of clarifying and reinforcing the accountability of senior officials, deputy ministers and agency heads, and outlining a methodology to promote such disclosure.

We see real progress in a number of aspects. To those who are already decrying the harmful effects of certain measures, to those who maintain that the problems raised by the bill exceed its positive consequences, I gladly quote to you the former President of the French Republic, François Mitterrand, who said:

We must wait for time to do it's work.

Through this bill the government is proposing the implementation of certain necessary benchmarks to consolidate a collective definition of governance and public ethics.

Internationally renowned Quebec sociologist, Fernand Dumont, in his book *Raisons Communes*, maintained that public ethics are a demonstration of the quest for compromise found within our communities, seeking to counter the threat of fragmentation and confrontation, which diminish the life of the community.

He said that the discovery of these new collective reasons, or "raisons communes", gave new meaning to collective life, life as a citizen. For everyone in political life, battered by the troubles of the past few years, we truly need to put in place a new formula that will ensure our social cohesion.

We have seen that the lack of trust affecting the relationship between power and the public paralyzes community action by constantly casting doubt on choices and disputing its legitimacy. It is true that, in a sense, public ethics is part of a democratic reconfiguration movement trying to compensate for the crisis of legitimacy in the political system. That is why this bill was introduced.

There is more, however. Contrary to the comments made by the Institut québécois d'éthique appliqué, I believe that Bill C-2, although far from perfect, responds in its own fashion to the unification of three important values, namely, responsibility, respect and equity.

Certain provisions of the bill cleverly lead us into the field of ethical responsibility, an area that is related to accountability. While accountability provides a minimal normative framework, responsibility ensures the freedom of action that everyone needs.

In a certain sense, we have managed to successfully reconcile freedom of action and accountability. As for respect, in other words, taking a second look at a problem in order to avoid unnecessarily offending someone or certain parties, the bill has established a system concerning the individuals affected by the application of this new measure, by creating a new way of operating and reporting.

Lastly, with respect to equity, which is a fair evaluation of what each person deserves, this bill will become a crucial addition to the various standards, rules and legislation that govern the day-to-day decisions of public office holders.

With this bill, the government's new approach succeeds in defining and reconciling three concepts, namely, departmental responsibility, democratic governance and on-going financial auditing. The government was able to avoid the pitfalls, such as restructuring public administration to provide checks and balances on political power. At a time when administrators' remarks disregard the complexity of values, power, decision-making practices and public institutions, one must be wary of the notion of systematically weighing the results against the processes.

In a democracy, however, the processes are no less important than the results. Canadians will not tolerate problems with the election process, yet some of our citizens are completely indifferent to the results.

Part 1 of the bill addresses significant political reforms designed to ensure that elected representatives and public office holders make decisions in the best interest of Canadians.

These proposals enact various conflict of interest codes and give the new Conflict of Interest and Ethics Commissioner the authority to administer those codes. Through changes to the Canada Elections Act, the bill considerably reduces the influence that money may have on the political process and returns that influence to the voters.

By entrusting the mandate of enforcing the proposed Lobbying Act to the Commissioner of Lobbying and by prohibiting ministers, ministerial staffers and senior public servants from lobbying the Government of Canada for five years after they leave their positions, the bill guarantees that lobbying will be more transparent and more ethical. Bill C-2 establishes new public spaces, to quote Professor Dumont once again:

...where the freedom of some does not trample the freedom of others, where value is attached to the advancement of individuals for a common good that all may partake of but not appropriate for themselves.

We are entering an era where public decision makers are self-regulated. These various mechanisms, processes and institutions must remain fundamentally functional, and not subject to challenges. We should not consider public ethics and governance as foretelling the end of the political; they should be considered instead as tools to assist with political decision making.

To paraphrase Montesquieu, we must strive to attain a healthy balance of power. Ethics cannot replace the political but it provides a contemporary interpretation of the new democracy

sought by the population. In a collective works on public ethics, the author Yves Boisvert offers the following:

The resumption of dialogue between the political system and its social environment and the self-regulation of society are the factors required for the logic inherent in a functional democracy to exist in our societies that are conditioned by the pluralism of morals and ideologies.

Honourable senators, it is our parliamentary responsibility to facilitate the establishment of mechanisms and structures that will help encourage the development of an individual and collective maturity underlying the principle of good governance and public ethics.

This bill establishes what we could call the ethics of structures. It will be necessary in future to conduct an on-going review of the ethics of government practices. This debate calls us to reflect on a series of major themes revolving around this concept of ethics: conviction, accountability, constraint and freedom, the individual and society, conscience and necessity.

I had promised the committee that I would present an amendment that I will table. I would like to explain what is involved before tabling the amendment.

• (1520)

You will recall that there was a question, on page 176, in clause 227, about the French translation of the English term "Code of practice". In the French version of the bill there was an expression, which was incorrect, as I think we all agreed in committee. The phrase "Code of practice" was translated as "code pratique".

The article "de" was missing, which changed the entire meaning of the word that followed. Was it supposed to be an adjective or a noun? I asked the law editor to review the issue and to draft an amendment and he obtained, backed by his research, a language notice to that end from experienced staff at Parliament.

I want to warn you. I am going to read the findings of this notice. But first I would like to sum up what it is about. In Canadian French, we mainly use the expression "code de pratique". In the federal Canadian legislative corpus, we will only find the expression "code de pratique", while the expression "code pratique" does not exist. It is nonetheless used sporadically in certain regulations, but the expression "code de pratique" is used much more frequently. In Europe, the opposite is true. They use the expression "code pratique" as an equivalent to our expression "code de pratique".

That is why the linguists found:

In light of this research, I find there is a notable difference between Canadian usage and international usage. In Canada, those who draft bills seem to prefer the expression "code de pratique", while in Europe their counterparts seem to prefer the expression "code pratique". In my opinion, both expressions are correct on a linguistic level and their usage is legitimate.

In Bill C-2, the expression "code pratique" is, in my opinion, properly used to render the English expression "Code of practice", even though it departs slightly from traditional Canadian usage.

Honourable senators, despite all that, I have decided to table the amendment because it seems much more straightforward, at least for Francophones reading this legislation, to see in the French version an expression we are used to seeing even though our European counterparts are used to another way of doing things. I preferred to table the amendment.

MOTION IN AMENDMENT

Hon. Pierre Claude Nolin: Regarding the French version of the words "Code of practice", I move:

That Bill C-2 be not now read a third time, but that it be amended, in clause 227, in the French version,

(a) on page 176,

(i) by replacing line 19 with the following:

"c) établir un code de pratique régissant les",

(ii) by replacing line 29 with the following:

"l'observation du code de pratique",

(iii) by replacing line 31 with the following:

"tion du code de pratique par le gouvernement et ",

(iv) by replacing line 40 with the following:

"lement de mandat relevant du code de pratique";
and

(b) on page 177, by replacing line 9 with the following:

"tout incident de non-observation de son code de".

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Nolin, seconded by the Honourable Senator Andreychuk, that Bill C-2 be not — May I dispense?

Hon. Senators: Dispense.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, could Senator Nolin answer a question?

Senator Nolin: Yes.

[English]

The Hon. the Speaker: Senator Nolin's time has expired. Perhaps he wishes to ask for leave to extend his time.

[Translation]

Senator Nolin: Yes, I am asking for leave to extend my time so I can answer questions.

Hon. Senators: Agreed.

Senator Fraser: Honourable senators, this debate is fascinating. I am an anglophone, so when people talk about language problems, I try to figure out what the English version would be. When you talked about the difference between "code de

pratique" and "code pratique", the translation that leaped to mind for "code de pratique" was "code of practice", but "code pratique" would be "practical code", that is, something doable, practical, and realistic to the point that it can be put into practice and used. Do you think that is an appropriate interpretation?

Senator Nolin: That is exactly why I am proposing this amendment, because all members of the Committee on Legal and Constitutional Affairs and I agreed on that interpretation. I agreed to introduce the amendment at the third reading stage specifically because that gave me time to find out more. I was surprised to read the language advisors' opinion. That said, I still come to the conclusion that we cannot, at least, not in this example, use a noun to describe an attribute of the code. I would hope a "code de pratique" would be practical, but it is a "code de pratique". I think there would be a similar nuance in the English version.

[English]

We hope that the code of practice would be practical.

[Translation]

That is how an adjective, epithet and noun differ. I agree with you. That is why I decided to propose the amendment notwithstanding. In all our wisdom, if there is a way to insert it, we will find that way.

[English]

Hon. Lorna Milne: These are several amendments that we were discussing in committee. The honourable senator brought them up several times. At the time, I was expecting the honourable senator to make an amendment, but he is making it now at third reading. Is that correct?

Senator Nolin: That is right. I waited for third reading because I was not sure of the real intent of the English words "code of practice" and the French words "code pratique," and it came to me as evidence that there were two meanings: one in English, which I believe was the real intent of the government, and the other in French, which was not the real intent.

Now, we all want that code of practice to be practical.

[Translation]

In French, yes, we want the code of practice to be practical, but those are two different things.

Hon. Céline Hervieux-Payette: Honourable senators, this is not the first time I have spoken to a specific part of this bill that has already been addressed individually by our colleague, the Chair of the committee, during the debates on Bill S-13, and on Bill C-11 introduced by the previous government, and when this measure was announced by this government during the Speech from the Throne.

My principles have not changed since then, nor have I changed my mind, which is why I asked to speak today, to share my thoughts with you. Even though I have something to say about the remainder of the bill, without a doubt, my colleagues did excellent work in committee.

I sit on the Standing Senate Committee on Banking, Trade and Commerce, which addressed certain questions concerning whistle-blowing. I addressed these issues in a roundabout way. Why do I oppose this issue of whistle-blowing? This measure goes against Canada's democratic process and leaves me feeling uneasy. Personally, I believe this measure goes against the very foundation of a civilized society. It will result in the destruction of the most fragile aspect of relationships among Canadians, that is, trust.

The notion of whistle-blowing assumes that most Canadians have dishonest intentions and that, in order to protect the integrity of the system, we must implement a measure that I find iniquitous. It calls upon our most vile emotions by denouncing those acts that appear to be in conflict with the laws and procedures of our country or our government. This measure is likely to paralyze all initiative, because people will no longer be appraised based on their creativity and initiative, but rather on how well they follow the rules, which are now endless and limiting, within a large administrative body that will operate based on process and not on results.

• (1530)

Institutionalizing whistle-blowing also leads to the abolition of a cardinal rule of criminal justice: the presumption of innocence, which goes along with proof beyond a reasonable doubt.

In short, the whistle-blower can ruin the reputation of a superior or a rival for a position. If the investigation finds that the whistle-blower's victim merely made an ill-informed decision or that the victim did not have the tools to do his or her job properly or simply committed an error in good faith, that person's reputation would still be ruined forever.

The introduction of this system scares me, as a middle-aged person, and makes me think of a system described in books, where witches — the most famous being Joan of Arc — were denounced for the good of society. A person accused of being a witch was sacrificed because that suited everyone's purposes.

I think that whistle-blowing has no place in an enlightened society. It is a dangerous tool, and there is no remedy for the damage done to the reputations of people who are wrongly accused. Innocent victims will be stigmatized for the rest of their lives.

My vision of justice is based on the principle that it is better to be the victim of a dishonest act than to destroy an honest man's or an honest woman's reputation.

In my opinion, whistle-blowing can be likened to the Haggard syndrome, an expression I recently discovered. Haggard, an American pastor who was leading a double life and was called to account for his actions, persisted in acting like an honest person who preached honesty and had nothing to hide. He gave speeches and sermons, wrote books and appeared on television programs, always cloaked in the white gown of purity and honesty. There is an expression that aptly sums up this sort of situation, "a whitened sepulchre". It looks good on the outside, but it is rotten inside.

I feel that the clauses in Bill C-2 that pertain to whistle-blowing are a vile smokescreen our society does not need. Our friends the French say that making whistle-blowing mandatory amounts to downloading the employer's responsibility for obeying the law onto the employees.

It could also be said that requiring individuals to inform on others is contrary to the labour code in France, as it is a measure disproportionate to the objective sought. Our European friends do not find this measure helpful in ensuring the integrity of the system.

In the United States, however, whistle-blower legislation has existed for over 30 years. Did these measures prevent WorldCom or Enron from committing fraud?

As a result, our neighbours recently adopted the Sarbanes-Oxley Act. Do they believe that the financial sector will be a beacon of honesty and transparency in the years to come? No one believes that this law will imbue the financial sector with higher morals.

American companies are introducing despicable systems. I would like to share some information in this regard with you. A company that I will not name says that it has established a telephone and Internet monitoring system that operates 24/7. This system makes it possible for employees and third parties to report, in confidence and anonymously, unacceptable conduct in the work place, as well as their concerns, disagreements and suggestions.

The company's solution is technology-based in order to provide employees with a means of reporting misconduct in strict confidence and to feel more engaged with and connected to their organization.

This anonymous and confidential system for reporting misconduct was designed to meet the needs of users and to provide a real-time, integrated case management system enabling managers to examine, on line, the anonymous reports made by employees. I am speaking of a system that exists, that is being used at present and that is advertised. It is available to our Canadian companies.

You will understand, honourable senators, a society will not move forward with this type of system.

I will return to the reasons for adopting legislation that supports whistle-blowing. Together with my colleagues I would like to examine this from the ethics perspective.

I want to speak again of the meaning or description of the term I was looking for previously and that I would like to share with you a second time.

It is important, as my colleague pointed out, to remember the meaning of words. In the dictionary *Le Petit Robert*, "denunciation" is associated with slander and malicious gossip; the definition is "to denounce, betray and sell out". In the same definition on page 180 it says: "to develop, as all dictatorships do, a despicable mentality of denouncing and discord". Again, that was in *Le Petit Robert*.

Honourable senators, Canadians who were born here and new Canadians do not want a country of denunciators. When you have the audacity to suggest, in the name of ethics, adopting measures in legislation that would reward denunciators, like certain American laws do and this bill will do, I am saddened and distressed.

The government must treat every one of us with respect and believe that every Canadian citizen is a positive element of our society, and that leaders can rely on such people who, for the most part, are upright, honest and able to surpass themselves for their country and their family.

Our democratic system has been centuries in the making and has cost the lives of millions of citizens who were denied freedom and even executed as a result of denunciation. Today, some would have us believe that we need to systematize denunciation, the most heinous weapon of totalitarian regimes.

Another author, Michel Labourdette, a professor of moral theology, discusses denunciation. He says that it is not a legitimate tool for a government and that using it can only be a base act.

Certainly it is often a temptation for an authority, in order to take unawares people who do not otherwise stand out. It is an easy solution, and therefore always tempting.

In his criminal law dictionary, Canadian professor Jean-Paul Doucet mentions that requiring the denunciation of an act must be reserved for situations that are particularly serious in a liberal democracy. Only leaders of totalitarian states would want the masses to live in a climate of denunciation.

It goes without saying, honourable senators, that these reflections by important thinkers in our society are behind my decision not to support this section of the bill.

While the current government, by tabling its bill, cloaks itself in honesty, integrity and ethics, I have learned, in the meantime, that, at the advisory committee on judicial appointments, the Minister of Justice is preparing to appoint another member of the committee in order to politicize the selection process. I did not learn that from a denunciator. I found that out in the course of a conversation.

This brings me back to the Conservative government's Haggard syndrome, which causes it to preach and legislate about ethics while acting otherwise.

I will not be proposing any amendments to Bill C-2 and I am pleased to participate in this debate. Nevertheless, I give notice that I cannot support this bill because it is not in the best interest of Canadians, it Americanizes Canadian society and it forgets too easily that Nazi and fascist regimes relied on denunciation to control the people.

In the name of ethics, I would ask honourable senators to give serious consideration to the dramatic consequences of a law based on denunciation.

[English]

Hon. Hugh Segal: Would the honourable senator accept a question?

Senator Hervieux-Payette: With pleasure.

Senator Segal: I noticed during the translation of the honourable senator's comments —

[Translation]

Our translators have used the word "denunciation" in English for "dénonciation" in French.

[English]

— denunciation, whereas I think the meaning in the act is, in fact, whistle-blowing. Certainly, to take Senator Fraser's sensitivity on these issues, the meaning of whistle-blowing is substantially different from the meaning of denunciation, en anglais. For example, the honourable senator made reference to a third-party organization in the private sector that accepts denunciation.

• (1540)

In fact, what has happened with many of the changes in securities legislation, Sarbanes-Oxley, is that many corporations have set up, as you will know, legitimate whistle-blowing processes whereby employees who become aware of what they think may be a misdeed, a misrepresentation of facts, or a lack of compliance with the law, have an independent person to whom they can register that concern so it can be looked at appropriately within the context of due process. The fact that a third party organization might be contracted outside a company to do that sort of activity is an effort on the part of many companies to ensure that they are absolutely even-handed and transparent in the management of these kind of complaints, however well-founded they might be.

The question I put to the Honourable Senator Hervieux-Payette is as follows: The reference to fascism and the use of "denunciation" is pretty strong and compelling language, all of which is to make all of us reflect on the very seriousness of the proposals and concerns that the honourable senator is addressing.

Does the honourable senator believe that a constructive regime to protect whistle-blowers, to enhance the capacity of whistle-blowers to engage in the process without facing immense personal risk, is in and of itself a violation of both civil liberties and good public process with respect to the public administration in Canada?

[Translation]

Senator Hervieux-Payette: Honourable senators, first, I would say that the words "dénonciation" and "délation" are synonymous in French, so the nuance the honourable senator is making would not convince me to agree with the provisions in the Sarbanes-Oxley Act.

As I said, honourable senators, the French recognize that this measure, which is intended to ensure that a company is well-run, that all employees are doing their jobs and that nobody is committing fraud, is the employer's responsibility, not the employees'.

For me, this is a question of violation of privacy. I tend to agree with the Privacy Commissioner, Jennifer Stoddart, who also had a lot of concerns about this process.

As I see it, we already have a whistle-blowing procedure that is recognized in penal law: people who are aware of an offence can simply go to an officer of the law and tell him or her about it.

At that moment, a process is set in motion — unlike the whistle-blowing process described in the bill — where there must be proof beyond a reasonable doubt and the person is presumed innocent as long as such proof does not exist. In this bill, the truth only comes to light much later. I can think of specific cases here in Ottawa where people's reputations, their health, even their lives have been threatened because a thorough investigation was conducted in response to whistle-blowing, but nothing was found.

The victims never received any sort of compensation. I do not believe that, as parliamentarians, we should be introducing this sort of process into our system. If there is fraud, if money is misappropriated, the Canadian justice system can deal with it. We should not have a system with parallel rules of evidence to those in the criminal law.

[English]

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I should like to begin by adding my voice to the many in this chamber who have thanked the members of the Standing Senate Committee on Legal and Constitutional Affairs for their outstanding work on Bill C-2. It is a highly complex piece of legislation that should have come to us as several bills, each of which would have merited extensive study. Ned Franks, whose powerful intellect I have admired, said to the committee, "The act is so big that I do not know of any single person who can digest it. I certainly have not and could not."

[Translation]

We know that this omnibus bill was drafted in just six weeks, which is a very short time. I would like to thank the committee members who devoted so much time and energy to analyzing Bill C-2.

They identified the benefits of the bill, pointed out its deficiencies, assessed the many comments and criticisms from the witnesses and drafted amendments with a view to improving the bill.

I want to congratulate Senator Oliver on chairing the committee, Senator Milne, who served as vice-chair, Senator Day, who served as spokesperson, and all the senators on both sides of this chamber who took part in this study.

[English]

I should like to acknowledge and thank the staff of the committee. The scope of the bill is reflected in the fact that the Library of Parliament assigned not just one or two but an entire team of researchers to assist the committee. The Committee's Branch of the Senate also assigned significant resources to the task and, during clause-by-clause consideration, had a team of people in the room working to go keep track of the

many clauses and proposed amendments. I understand that near the end of the process several people worked some thirty-eight hours straight to prepare the report for this chamber. Please know how much your devotion is appreciated.

As well, I want to recognize the efforts of our Law Clerk's office. I understand that the combination of the size of this bill and the large number of amendments put forward may be unprecedented. Our Law Clerk's office, which is not very large, as honourable senators know, was a model of grace under fire. Thank you. Your legal knowledge and drafting skills have significantly improved this bill.

Honourable senators, the work on Bill C-2 was conducted at a time when there was much focus on the role and future of the Senate. It is not easy to labour under the spotlight of a government continually questioning the need for any additional study whatsoever by the Senate. The government claimed that since Bill C-2 had already been examined under a microscope in the other place, there was little left for our chamber to do. We have all been aware of the various op-ed statements in the other place and press conferences charging that we have taken an inordinate amount of time with the bill.

John Geddes wrote an article in a recent *Maclean's* magazine in which he told how the Treasury Board president has taken to hiding behind our study of Bill C-2 as a means to avoid answering hard questions about the government's policy on important public issues. He described Question Period in the other place as follows:

Pressed by the NDP to launch further investigation into the Maher Arar case? "What we need is support from the Liberal Senate to finally pass the federal accountability bill," Baird responds, "and finally let the corrupt practices of the previous Liberal regime be a part of Canadian history."

This is surely not an approach worthy of a cabinet minister; yet it has been a spectacle that has been exploited relentlessly and, indeed, is still continuing, as was seen in the question put to the President of the Treasury Board Monday of this week.

[Translation]

Honourable senators, responsibility and transparency are very important issues. Bill C-2 raises a number of public policy questions that will have a decisive influence on the federal government for many years to come.

The government's actions are unacceptable in this respect and Canadians deserve better. The government's behaviour prompted Susan Riley, a journalist with the *Ottawa Citizen*, to write an article under the headline "An ineffable scumminess", in which she describes the Treasury Board president's behaviour as more befitting of primary school than Parliament.

[English]

In this chamber, we make it a point to focus on serious studies of proposed legislation and public policy. Far from casting doubt on the value of the Senate, I believe the study to date of Bill C-2 has demonstrated beyond question the merits of this parliamentary institution.

My own understanding of the bill and the amendments made to it in committee confirms that we have significantly improved the government's bill. Measured by this government's own professed standard of improving accountability and transparency Bill C-2 is now a better bill.

[Translation]

Other senators have discussed many amendments in detail and I see no need to repeat what has already been said. However, I would like to underscore a few ways in which we improved this bill and how we have made progress with the issues of accountability and transparency.

[English]

The first part of the bill contains the new conflict of interest act. While government witnesses suggested that this act simply puts the current conflict of interest code into statute form, on close examination our committee realized that this was not the case.

• (1550)

For example, while conflict of interest codes for the past 20 years have always referred to "real, potential and apparent conflicts of interest," this bill would have casually eliminated any concern respecting cabinet ministers and other public office holders who allow potential or apparent conflicts of interest to arise. In other words, for the first time in over 20 years, it would have been perfectly acceptable for a cabinet minister to grant a contract, or make a case behind closed doors around the cabinet table, on a matter where he or she had a potential or apparent conflict of interest. We have fixed that, honourable senators. I challenge anyone to make a persuasive case that these amendments weaken the proposed conflict of interest act.

There were numerous problems with the proposed conflict of interest act. As drafted, a prime minister could have asked the new commissioner to investigate conduct by one of his ministers or other public office holders, and even if the commissioner conducted an investigation and found that the minister had violated the proposed conflict of interest act, that report could have remained secret, disclosed only to the prime minister. Indeed, there was nothing in the bill that would have prohibited a prime minister from altering that report prepared by the commissioner.

Honourable senators will recall that a major plank in the Conservative Party's platform in the last election was a promise that a Conservative government would

...prevent the Prime Minister from overruling the Ethics Commissioner on whether the Prime Minister, a minister or an official is in violation of the Conflict of Interest Code.

It is a simple fact that, as drafted, Bill C-2 would have broken that promise.

Our committee rectified that error, honourable senators. Now, a prime minister will still be able to ask the commissioner for confidential advice about one of his public office holders — and we recognize that it is perfectly appropriate for a prime minister to be able to turn for confidential advice to the

commissioner. However, if the commissioner concludes, after conducting an investigation, that a breach of the act has occurred, then that conclusion must be publicly disclosed. We have amended the act to prohibit anyone, including a prime minister, from altering a finding by the commissioner.

In their election platform, the Conservatives also promised to allow members of the public, not just politicians, to make complaints to the Ethics Commissioner. Bill C-2 does not actually expressly provide for this. Arguably, however, it is permitted since, under the bill, the commissioner would be able to initiate an investigation at his or her own volition if the commissioner has reason to believe there has been a violation of the act. Presumably, that reason can come from a member of the public. The explicit vehicle in Bill C-2, however, envisages a member of the public giving information to a senator or a member of the other place, indicating that there has been a contravention of the act.

Senators were gravely concerned to see a clause in Bill C-2 that then prohibited the senator or member of the other place, while considering whether to bring that information to the attention of the commissioner, from disclosing that information to anyone — meaning party leaders, staff or even a spouse. This is a gag order, which would apply only to parliamentarians but not to members of the general public, or even to the persons who brought the information to the attention of the parliamentarian in the first place. This would have continued until the commissioner's report was issued, whenever that would be.

Honourable senators, this is not appropriate. Moreover, it would be a violation of one of the tenets of parliamentary privilege, namely our freedom of speech. This restriction on freedom of speech has now been removed, honourable senators. I sincerely hope that the government supporters in the other place will not attempt to insist that we agree to muzzle parliamentarians when they learn of wrongdoing in government.

Another matter that is worthy of note is the proposed treatment of gifts under the proposed conflict of interest act. The code of conduct under Prime Minister Martin flatly prohibited the acceptance of gifts that could influence public office holders in the performance of their official duties. In the case of any doubt as to the propriety of accepting a gift, public office holders were required to consult the Ethics Commissioner.

Bill C-2, as we received it, had a very different provision. It explicitly permitted the acceptance of any and all gifts given by relatives or "friends," even where the gift

...might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function.

Subsection 11(1) of the proposed new conflict of interest act provides the general rule that reads as follows:

No public office-holder... shall accept any gift... that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function.

This is common sense. However, the very next paragraph, subsection 11(2) states:

Despite subsection (1) —

— meaning something that could be “reasonably seen to have been given to influence the public office holder” —

a public office holder... may accept a gift... that is given by a relative or friend.

Those are the words of subsection 11(2). Thus, even if the gift could reasonably be seen to have been given to influence the behaviour of a public official, that gift is perfectly all right as long as it comes from a “friend.” Furthermore, the proposed act specifically exempted these gifts from disclosure, even to the commissioner. As witnesses and members of the committee acknowledged, in politics everyone is a friend. This was a loophole, honourable senators, and there were no limitations whatsoever.

A cabinet minister would have been absolutely free to accept a gift of money and cash so long as he or she decided that the person presenting the gift was a friend. This would have been openly permitted under Bill C-2 and nothing could have been done about it. Indeed, no one would need to know that it ever happened.

The amendments passed by our committee — though opposed by the Conservative senators, who argued in favour of the “friend” loophole — fixed this point. The language was tightened up and, most important, gifts from friends are now brought within the disclosure regime. The commissioner will have to be told of any gifts over \$200 in value, and those gifts would be disclosed on the public registry.

These are just a few of the amendments that we have made in the proposed conflict of interest act. As you can see, they strengthen the bill by enhancing accountability and transparency. Bill C-2 had a number of significant loopholes and weaknesses; those have been fixed. I am confident that the government and members of the other place will agree that these amendments improve the bill. I frankly find it difficult to imagine that they could reject these changes.

There were also a number of gaps and serious flaws within the proposed whistle-blower provisions that our committee uncovered. Indeed, the provisions of Bill C-2 were so flawed that Joanna Gualtieri, the well known former employee of the Department of Foreign Affairs, urged the committee to simply scrap the provisions and start afresh. However, that would not have been within the scope of the committee's mandate, so honourable senators did what they could. I believe that the bill has been significantly strengthened as a result.

To highlight just a few areas, while as recently as October 21, the Treasury Board President had proclaimed that Bill C-2 extended whistle-blower protection “to all federal bodies,” on close examination it turned out not to be so. The bill would not apply to employees of CSIS, the Canadian Security Intelligence Service, CSE, the Communications Security Establishment and the Canadian Forces. It was not possible, within the scope of Bill C-2, to remedy this application with respect to the Canadian

Forces. However, under our amendments, whistle-blower protection will now cover employees of CSIS and CSE. Again, this strengthens the bill and, in fact, makes good on promises made by the Conservative government.

The amendments broaden the definition of “reprisal,” making it open-ended, as recommended by Justice Gomery in his report, and as was strongly urged by witnesses before the committee. Again, this strengthens the whistle-blower protection, thus strengthening the bill.

Bill C-2 imposes a statutory upper limit of \$10,000 that could be awarded by the new public servants disclosure protection tribunal for pain and suffering sustained by the whistle-blower. Ms. Gualtieri characterized this limit as “another provision in the bill that is an assault on public servants.” The amendments remove this mandatory cap on damages and leave the matter to be decided in the discretion of the tribunal. If we trust the tribunal to adjudicate these issues, then surely we must trust them to assess damages fairly, including damages for pain and suffering.

Committee members and witnesses were surprised to see that Bill C-2 limited reimbursements for legal fees to \$1,500 — or, in exceptional circumstances, to \$3,000. Those of us who are lawyers or who have sought the advice of lawyers know that this amount will not go far. The purpose of reimbursing legal fees is to level the playing field between the whistle-blower and the employer whose actions are the subject of the complaint. The amendments, therefore, authorized the commission, in its discretion, to order reimbursement in an amount equivalent to that provided in Treasury Board guidelines. Again, honourable senators, these are just highlights of some of the amendments on this important issue.

As you can see, Bill C-2, as presented, fell short of the government's own promises in a number of significant respects. Our amendments correct shortcomings and improve the bill.

• (1600)

[Translation]

The amendments that Bill C-2 would make to the Access to Information Act clearly demonstrate the gap between what the government claimed to offer and the reality of what it created. Rather than making the government more accessible to Canadians, and making it more accountable and transparent, Bill C-2 would have prevented a great deal of information from being disclosed, permanently in some cases. Cabinet documents become available after a certain number of years. However, this government would have prevented them from ever being made public.

[English]

The provisions of Bill C-2 that deal with access to information were so regressive that they prompted Geoffrey Stevens, former managing editor of the *Globe and Mail* and now with Wilfrid Laurier University, to write: “It is a dreadful, retrograde piece of legislation. It would actually make the government less open, less transparent and less accountable.”

Honourable senators, I am pleased and proud to say that the amendments passed by the Senate would go a long way to fixing the deficiencies that Mr. Stevens wrote about. There is now a

"public interest override" that will authorize the disclosure of information where it is clearly in the public interest to do so. This is a critical provision that was strongly recommended by a number of witnesses before the committee. It is an important statement of principle: that the public interest is supreme.

Our amendments also open access to draft audits and working papers once the audit or investigation is completed. This is another important change that was strongly recommended by a number of witnesses. Will it be controversial? Yes, I am sure it will. We know, as we heard from Senator Andreychuk, that the Auditor General does not support this change with respect to her own office. However, does this amendment open the process and make for more transparent in government? Yes, it does.

[Translation]

The government and the senators opposite stated that the proposed amendments run counter to the spirit of the bill, as the Access to Information Act would no longer apply to the Canadian Wheat Board.

Honourable senators, I was surprised to hear the government use this argument. The Canadian Wheat Board was not originally part of this bill and its presence is the result of an amendment proposed by an NDP member of Parliament. That is the amendment that runs counter to the bill as originally drafted. Our amendment restores the original intent.

[English]

More important, honourable senators, the Wheat Board has no business being under the Access to Information Act. The purpose of the act is not to open access to any organization about which a member of the public may wish information. The concept is to open up government and government institutions to the public so that members of the public can see how their money is being spent.

The Wheat Board is not a Crown corporation, nor an agent of the Crown, nor does it receive federal funding in the normal course. The fact that members of the government — no friends of the Wheat Board — would like access to its information is neither a sufficient nor a valid reason for bringing it within the scope of the act. To the contrary, I believe one could argue that it would be an abuse of the act. Our amendments correct this approach.

Time does not permit me to list all of the amendments made to the Access to Information Act. I am satisfied that the amendments were made carefully, in an effort to enhance accountability and transparency, to be balanced and reasonable and in accordance with the established principles of access to information in this country.

Honourable senators were concerned to learn that there were aspects of the bill that were applied retroactively, or "retrospectively" as some would prefer to describe it. The Access to Information Act provisions were one area where this occurred. Witnesses told our committee that information had been given to organizations in the belief that it would not be disclosed to third parties; under Bill C-2, not only would information given henceforth be accessible but all information in the possession of these organizations could be accessed by members of the public, including business competitors.

This is not right, honourable senators. We in this chamber have a long tradition of resisting attempts by the government of the day — of whatever political stripe and for whatever good intention — to pass retroactive legislation. The amendments correct this approach. In his speech at report stage, Senator Stratton questioned the need for these amendments. He said that the committee was told by legal counsel that "This is a departure from the past practice of including all records under the control of an entity at the time it became subject to the act."

[Translation]

Honourable senators, I do not doubt that Joe Wild, legal counsel for the President of Treasury Board, said that. During the clause-by-clause consideration of the bill, he attempted on many occasions to defend the government's position with regard to the amendments we were proposing. However, his arguments were not exactly applicable in this case. In fact when the Access to Information Act was adopted, many complex transitional measures were incorporated for the specific purpose of providing an extended transition period for the government organizations falling under the legislation.

[English]

The act received Royal Assent on July 7, 1982. However, the vast majority of its provisions were not proclaimed into force until July 1, 1983 — a year later. Even that was not considered to be sufficient adjustment time. The transitional provisions allowed the head of a government institution to refuse to disclose certain information that it already had in its files. For example, during the first year after coming into force of the act, if the record requested was in existence for more than three years before the coming into force of the act, it would not be disclosed; during the second year after the coming into force of the act, if the document requested was in existence for more than five years before the coming into force of the act, it, too, would not be disclosed; and during the third year after the coming into force of the act, if the record requested was in existence for more than five years before the coming into force of the act and, in the opinion of the head of the government institution, to comply with the request would unreasonably interfere with the operations of the government department, it would also be exempt.

These are very complex transitional provisions and it took me some time to figure out how they actually worked. The committee's amendments to Bill C-2 were much cleaner and more straightforward. Moreover, they provide certainty for those third parties who provided information in the past to the various Crown corporations and foundations, without any knowledge or advance warning that the information would subsequently be accessible by third parties.

This was also the issue with the amendment that the committee made with respect to the so-called priority status issue. This is not a case of refusing to accede to the government's policy to do away with priority status. No amendments were made to those provisions of the bill. However, the transitional provisions of the bill would have applied this retroactively, by eliminating earned rights, and that is simply wrong. Again, these are positions of principle, and I am proud to stand for these principles and defend those amendments.

Honourable senators, Bill C-2 is a very lengthy and complex measure, and I could speak for a long time about its merits and substance. The thoughtful amendments that the committee has made to this bill are in place. The work of the Standing Senate Committee on Legal and Constitutional Affairs and the work of this chamber as a whole on Bill C-2 will enhance both accountability and transparency in the federal government. The bill is significantly better because of the amendments passed by the committee.

Honourable senators, we did what constitutionally we were created to do: We stood firm against pressure being exerted by the executive and took a careful, sober, second look at the government's proposal. We fulfilled our role and, in so doing, we have improved the accountability bill.

If the government is serious about its proclaimed desire for more openness, transparency and accountability in government, it will give the message it receives from the Senate tomorrow on Bill C-2 serious and thoughtful consideration. Our amendments are grounded in the thoughtful evidence presented by more than 150 very serious witnesses who made time in their lives to appear before our committee to share their views and assist in our work.

I cannot agree with government claims that the committee heard witnesses simply for the sake of hearing them. If they can identify witnesses whose testimony was not valuable, then the government should name them, and accept responsibility for that claim. Their views — that is, the constructive views of knowledgeable and concerned Canadians — may not be summarily dismissed or their motives publicly questioned simply because they do not agree with the government's position. That is not the way to pursue the public good, nor is it the path that should be followed if one is serious about striving to make government more accountable to the people.

• (1610)

Accountability, which means many things, also means listening. I hope the self-styled "New Government of Canada" is not too proud to listen to Canadians told Parliament when they were finally given a real opportunity to be heard by the Senate of Canada.

Hon. Lowell Murray: Would the Leader of the Opposition accept a question?

Senator Hays: I will do my best.

Senator Murray: Honourable senators, yesterday I deplored the practice of implicating Parliament in decisions, such as appointments, that are the prerogative of the executive government, and in respect of which our job, rather than participating in the process, was to hold the executive government accountable.

Today, I would like to draw to the attention of honourable senators, the provisions of the bill respecting the proposed new parliamentary budget officer. That person is to be selected by the Governor-in-Council from a list of three names submitted in confidence through the Leader of the Government in the Commons by a committee formed and chaired by the parliamentary librarian. The problem is that the proposal is to involve the cabinet in a matter that should be solely our

prerogative, as parliamentarians. Obviously the person would have to be appointed by Governor-in-Council, but why should the cabinet have the final decision on choosing our parliamentary budget officer from among three names submitted by a committee, the chairmanship of which goes to the parliamentary librarian but the membership of which is not specified?

I wonder whether my friend has thought about this matter or whether, to his knowledge, the committee focused on this facet at any time. It seems to me that just as we are somehow involving ourselves in prerogatives that properly belong to the government, they would be involving themselves in something that properly belongs to Parliament. I do not want them to have anything to say about who our budget officer is to be.

Senator Hays: I may have to ask you to wait for our critic to speak in order to afford you a better answer that I can give. I do, however, remember a conversation on this matter, and not as well as I would like in terms of being able to respond, but my recollection is that it was thought to be important that there be a fairly broad consultation on the names of potential candidates to fill this very important role. We also had discussions on how well funded that office would be. I think there are some amendments on that aspect in terms of increasing the budget allocation. Even as amended, there were concerns on the part of some of the senators who served on our side on the committee as to its adequacy.

You said that you had looked at the proposed act and it identifies the parliamentary librarian and two others. I am not sure, but I thought it was more specific than that, and I may have to wait. You are reading it as it is unamended and I have some help on the way in terms of the provision as amended.

Just to draw your attention to the amendment that was brought forward in committee, I have received some help and I will read that amendment.

101. Clause 116, page 97: Replaces lines 30 and 31 with the following:

Commons, by a committee composed of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, the Leader of the Government in the House of Commons, the Leader of the Opposition in the House of Commons, and the Parliamentary Librarian.

In other words, there are to be more people involved than you described in the section that you read. It is true that some of them are members of the government, and I am not sure how you avoid that, particularly in our chamber, where the Leader of the Government in the Senate is a minister. However, I think there is sufficient protection in the broad group that it should result in a good selection, or at least have the best chance of having a good selection, of a parliamentary budget officer based on the input from these kinds of sources.

Senator Murray: I appreciate the reply of the Leader of the Opposition, and I had not focused on the amendment that the committee had brought forward. I have no objection at all to the Leader of the Government in the Senate or the Leader of the Government in the House of Commons taking part in such a

committee. Perhaps I am being too much of a purist but I do not believe that the cabinet should have the last word in choosing among three nominees. The process should produce one nominee.

We have, also, not found an appropriate way to see to the funding of the various servants of Parliament. This is an issue that has been discussed many times and it is a real problem that these servants of Parliament, most of whom have to sit in judgment on various activities of the government, must go, hat in hand, to the Treasury Board for their budgets. We have never found a satisfactory way to deal with that, and we should try to settle it.

On another point, I was interested in what my honourable friend had to say about access to information and the public interest override clause. As I understand the situation, whether it is by law or policy I am not certain, but ministers of the Crown, their ministerial staffs and senior public servants are now obliged to post their expenses on the Internet. Also, as I understand it, it is not just the global amounts that they may have spent on travel, accommodation and so forth that must be posted but the details. I must confess I have never had enough curiosity to go to the website to see but judging by media reports, ministers and others are required to post the details of their expenses with regard to flights, hotels and entertainment.

The situation with members of the Senate and House of Commons who are not ministers, as my friend knows, is that at the end of the fiscal year, the public accounts carries alongside each of our names the amounts that each of us has spent on travel and accommodation, or whatever it is called.

If I understand the position taken by my friend's counterpart, the Leader of the Government, on behalf of the government during Question Period the other day, this information ought to be accessible to the public because, as she keeps pointing out, it is public money. My question, therefore, is: Should the Access to Information Act be amended, or should this bill be amended to regularize the situation that she has described, namely that a member of her staff called a hotel in order to obtain the individual hotel bills of several senators. This is information which, in the view of the government, ought to be accessible to the public. Should that be regularized in some way in a statute? Even if it is not, is it my friend's view that the public interest override renders this information accessible, perhaps retroactively, as she would have it?

• (1620)

Senator Hays: First, I will comment on the funding of officers of Parliament. The honourable senator is correct in saying that it is a difficult problem. My comment is directed to the position of Senate Ethics Officer, which, while not the same as an officer of Parliament is similar. When provision was made in the legislation for funding, it was left with the functionary to determine what the needs would be, and to come forward and to consult. In this case, the Speaker was thought to be the equivalent of a minister vis-a-vis the Senate Ethics Officer, so there is a consultation. I was in the post at the time and found it an interesting approach. There is consultation, discussion, and possible referral of the individual to others who might be helpful in terms of seeking a reasonable amount. In the end, the office-holder has great power in determining what he thinks he needs in this case and, basically, that is what you end up with. Is that satisfactory? I am not sure. Is it satisfactory that they go to

Treasury Board. Probably not. Wherein the answer lies, I am not sure.

It is my understanding of the public office-holders' requirement to disclose expenses and the obligation of parliamentarians to disclose similar expenses is the same as that of senators. It is my view that parliamentarians have a better guideline and practice than public office-holders. It can be a great distraction, as we have seen in recent days in the Senate, to have that kind of information the focus of public attention rather than what parliamentarians might be about. There is a fascination with it and has a currency in the public domain. I do not know the genesis of this frank disclosure requirement that Senator Murray describes for public office-holders. It is there. I do not believe that the Privacy Commissioner would find it in the public interest to have this kind of information released to the public, provided always that the organization to which the parliamentarian belongs, in our case the Senate, has good checks and balances, revision and rules on budgeting and what expenses will be reimbursed and what expenses will not be reimbursed. This is an adequate protection against abuse of the process. Senators have the Internal Economy Committee and members of Parliament have their Board of Internal Economy. That approach is better than leaving it in the public domain, available for reading on websites, et cetera, and could be the guiding way in which to determine whether the expenses of public office-holders are appropriate.

Senator Murray: I appreciate the answer and I agree completely with the Leader of the Opposition's position on this matter. However, I think the inescapable conclusion that one reaches from the position taken by the Leader of the Government in the Senate the other day is that the specific information respecting senators' travel and accommodation ought to be accessible because it is public money. I do not think Senator LeBreton was suggesting that only the government should be able to obtain that information. Her position was that it ought to be publicly accessible. If that is the position of the government, and I suppose I should be asking the government, then I do not want to anticipate the motion that Senator Banks has down and it should be regularized so that everyone knows the ground rules.

Senator Hays: The Senate should be careful in this debate because it might be of interest for other reasons. However, I stand by what I said, with which the honourable senator agreed. If there is a proper way of ensuring that public monies are properly spent, a never-ending quest, the Senate must be vigilant and pursue all means to ensure that happens. When monies are ill-spent, then there are ways of dealing with that. Such measures are in place here and if they are not in place, then that should be done. Failure to do so would be a failure of senators. I cannot agree to post expenses with the Canadian Taxpayers' Foundation.

On motion of Senator Fraser, debate adjourned.

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Francis William Mahovlich: Honourable senators, I rise today to speak to Bill S-4 focusing on three issues: term limits, Senate elections and seat allocation.

First, I will address the issue at the heart of Bill S-4: senator term limits. Bill S-4 recommends that senators' terms not exceed eight years. While I support term limits for senators, I feel that 12 years is more appropriate. The Senate is known for its institutional memory. During its deliberations, the Special Committee on Senate Reform heard from a number of witnesses who stressed the importance of maintaining that institutional memory. One witness in particular who caught my attention was Professor Andrew Heard, who stated that "eight years is too short a period...it threatens the erosion of the strong institutional memory created by long-serving senators." Professor Heard further discussed the benefits of longer terms for senators by drawing attention to the fact that currently an informal recognition exists that it takes more than eight years to develop the expertise and knowledge needed to serve in a leadership or committee chair position. While this might not be the case in all situations, we cannot deny that it takes time to become comfortable in the role of senator, to gain the confidence and trust of ones peers and to be placed in such leadership positions. Currently, the average length of a senator's term is about eleven years; therefore, the longer term reflects the current reality of this chamber. Also, as a committee report stated, a shorter term would "curtail the already limited number of highly experienced senators and could deprive the Senate of an existing source of strength and distinctiveness."

On this particular issue of term lengths, I would like to point out a recent article in the *The Times* of London concerning a proposal for the reform of the House of Lords in Britain. One of the reform initiatives limits the length of the term of a Lord to twelve years. The proposal states, "12 years would ensure a regular injection of fresh talent, while retaining some of the benefits of continuity and experience." It is for the reasons I have stated that I feel that a twelve-year term would be more beneficial than an eight-year term.

In the first report of the Special Committee on Senate Reform, the issue of advisory Senate elections was discussed. The election of senators is a predominant issue when discussing Senate reform and therefore, I feel that I should discuss it here today. I am of the belief that an appointed upper chamber is of greater benefit to the people of Canada. An appointed chamber ensures that minority groups are represented in Parliament and that diversity is heard among the voices in the legislative process. The need for diversity and representation is an issue that plagues many upper chambers. For example, one of the reform initiatives in the aforementioned House of Lords reform proposal is the introduction of quotas for women and ethnic minorities. While I do not feel such quotas are necessary in Canada, I wish to highlight that diversity is a benefit that is better ensured in an appointed system.

• (1630)

Furthermore, having an elected Senate, or even advisory elections, could politicize the chamber of sober second thought and take away from the co-operative nature of the Senate. In the United States, both elected bodies are political and are often butting heads, sometimes resulting in a stalemate on legislation. I

think it would be to Canada's detriment to have two elected chambers performing the same function. It would be considered an overlap, and I feel it would take away from the Senate's key role as a body of sober second thought.

While I realize that the issue of seat allocation is not directly mentioned in Bill S-4, it is the focus of the second report of the Special Senate Committee on Senate Reform, and I wish to address my concerns now. Two of the motivations behind increasing the number of seats for the western provinces is that, in general, the western provinces have long been under-represented as a region, and that the population of these provinces, particularly British Columbia and Alberta, have greatly increased.

Further to this notion of population increase, it is hard to deny that the proportional population of Ontario has also greatly increased since the number of seats was first distributed in 1867. As such, perhaps more consideration should be given to the number of seats Ontario holds in the Senate. Although I realize that the lower House is the place to recognize population distribution and the Senate is the place to represent the regions, we cannot ignore the fact that this motion recognizes the increased population in the western provinces, but fails to do so for Ontario. I feel that one province should be treated as equally as another, which is certainly not the case in this situation.

I agree that some reforms need to be made; evolution does need to take place. The Senate needs to adapt to the growing needs of the regions of Canada. However, I caution that reforms that are not carefully contemplated and reforms that would fundamentally alter the Senate as envisioned by the Fathers of Confederation could bring forth a whole new set of problems.

Therefore, in conclusion, I believe that a term of 12 years best balances the need for continuity against the goal of having new and fresh ideas in the Senate. Furthermore, while I can appreciate the merits of exploring the idea of Senate elections, I feel the diversity and role of sober second thought can best be achieved through an appointed body.

Finally, I agree that it is important to increase the West's seats on the basis of increased population, but I feel that this should apply equally to Ontario, which has experienced significant growth as well.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Would the honourable senator accept a question?

Senator Mahovlich: Yes, I will try to answer it.

Senator Comeau: I was listening to the speech of the honourable senator, most of which concerned the question of 12 years versus 8 years. However, he went into the area of Senate reform, which would mean elections, et cetera, and would actually be encompassed in the report that was made to the Senate by way of the work of the committee — a committee, incidentally, that I think did a great deal of good work in looking at the future. I applaud the Leader of the Opposition for having gone into that new ground.

With that in mind, would the honourable senator support the continued work of that committee if it were to look at what I think he was referring to, which is the concept of either having an elected Senate or an appointed body?

Senator Mahovlich: I feel that an appointed Senate is appropriate. If the committee decides to do more work and study on that aspect, then that is fine.

Senator Comeau: That was exactly my line of questioning. I noticed that Senator Mahovlich decided to speak on Bill S-4, which refers specifically to tenure. The work of the committee had identified some other important areas to look at. My understanding is that the committee is now in limbo and may not proceed. I get the impression that Senator Mahovlich thinks that, considering the work that the committee has done, it might be a good idea to proceed. Could I categorize this speech as a yes?

Senator Mahovlich: Yes.

Hon. Gerry St. Germain: My question relates to the elected Senate. There is merit in appointed senators, because there are people in this place who would never have arrived here if they had had to depend on the electoral process. In some areas, they have opted for a certain portion to be appointed and a certain portion to be elected.

In the region from which I come, and also from which Senator Banks hails, there is a deep commitment on the part of the public — and I stand to be corrected on this — that it is time that the process of having people come to this place is looked at seriously. We saw the rise of a particular political party, and the ability of that party to rise from the ashes, so to speak, was based to a large extent on the promise of a Triple-E Senate. Not that I have ever agreed with having a Triple-E Senate as such, because I believe that is an oversimplification of the situation.

Has the time not come when a region like the West, which has been grossly under-represented for so long, should be given at least the courtesy of a full, thorough examination and re-evaluation as to how senators are chosen?

Senator Mahovlich: To be fair, I think that that should certainly be looked at. However, I feel that an appointed Senate is very fair. We are trying to adopt a position which is fair for the country. Certainly, it has been unfair over the past few years. As we conduct the study, we should look across the country to ensure that we adopt a solution where regional representation is taken into consideration and all provinces should have input on how many senators are appointed. This is the direction in which we are moving.

However, having an elected Senate and an appointed Senate is not a good mix. When I first arrived here, people were arguing about an elected Senate, and that was eight years ago. This was the big issue at that time.

I think that the Senate the way it is now, works well. I believe that there should be more senators because the regions have expanded, not only in terms of population; the regions themselves have expanded. Ontario and British Columbia have expanded and are still expanding. The Senate should expand as the country does.

Senator St. Germain: The view in the West is that it is democracy denied by virtue of the fact that we do not have the representation.

Due to the strong feelings that exist in the region from which I come, which is British Columbia, and I think I can safely say Alberta, would the honourable senator consider that there is a real desire to examine seriously the methodology of selecting senators, whether it be by election or not, but to at least go through a serious process to determine whether there is a solution?

Senator Mahovlich: I can tell the honourable senator right now that I myself have done a study. One can look to the United States of America and see some of the problems that they have had. We would not want that here. A Triple-A Senate, the way we have it now, appointed, anointed and absolute, is fine.

On motion of Senator Fraser, debate adjourned.

• (1640)

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE CONTINUED— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-220, to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Lowell Murray: Honourable senators, as the seconder of Bill S-220, and as an Ontario senator with a great interest in our coastal heritage, may I ask the Deputy Leader of the Government how he is coming along with consultations with regard to referring this bill to the Standing Senate Committee on Social Affairs, Science and Technology? That would be the dearest wish of its sponsor, Senator Carney, as well as its seconder and one of its original proponents, our late colleague Senator Forrestall.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I will take Senator Murray's question as a very forceful representation that we proceed with this bill as expeditiously as we possibly can.

I can assure Senator Murray that we are following a process that is fair and equitable, which is what we do with all private member's bills in the Senate. This one will get as much equitable treatment as all bills do.

Senator Murray: Deferential as well.

Senator Comeau: There will be no indifference at all on the treatment of this bill.

Order stands.

[Translation]

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Robichaud, P.C.*)

Hon. Claudette Tardif: Honourable senators, I rise today to address Senator Fairbairn's inquiry into the state of literacy in Canada. Speaking as a relatively new member of the Senate and as something of a novice when it comes to the measures and nuances associated with this government policy issue, I have found the debate and discussion during the question period and orders of the day over the past six weeks extremely enlightening. I would like to thank Senator Fairbairn and many other senators for having awakened and maintained interest in this public issue.

[English]

It is my belief, honourable senators, that most Canadians take it for granted that we are a literate nation. If you were to ask the average Canadian about the definition of literacy, I am certain most would respond with the same answer: The ability to read a book.

We have good elementary and secondary schools, our post-secondary education system and institutions continue to graduate students at a record pace, and we are prosperous. As such, many would not believe it if they were told that 9 million people in this country between the ages of 16 and 65 — and 12 million, if you include those over 65 — are below the internationally accepted threshold for coping with the increasing skill demands of a knowledge society. Nor would they believe that the number is even greater for those failing to meet the desired threshold in numeracy at around 55 per cent of the Canadian population. They would not believe it, yet that is the case.

The fact is, our conception of what literacy means has fallen far behind what being literate actually entails. It is not enough now to know how to read a book and operate some basic machinery. In a day and age where technology and knowledge accelerates at such a rapid pace, the essential skills required to function and prosper continually shift and transform.

Can an individual program their VCR or DVD? Can they type up a resume on the computer? Can they surf the Internet for a job? Can they problem-solve in situations where no obvious solution exists? These are all skills, amongst others, that are now essential in our knowledge-based society. One cannot exist without them and hope to lead a happy, healthy, successful life.

Robert Yagelski's book, *Literacy Matters: Writing and Reading the Social Self*, says that literacy is a matter of individual empowerment in the way it can enable one to negotiate the complexities of life.

The 2003 International Adult Literacy and Skills Survey measured proficiencies in four different domains: prose literacy, document literacy, numeracy and problem-solving. An individual's proficiency was then ranked on a scale of one to five, with one being the lowest and five the highest. It is commonly accepted that level three is the desired threshold for those living in a knowledge-based society such as the one that exists in Canada. It is below this level, as I stated earlier, where 48 per cent of our citizens over the age of 16 exist today in prose literacy, and 55 per cent of our population exists in numeracy, which is basic math.

[Translation]

It is essential that people who have trouble with reading, writing and math have access to services that can help them improve their skills so they can make a greater contribution to the country's economic development.

In many cases, such as in the oil industry, the ability to read new safety information is essential. Imagine working in a Fort McMurray oil field and being unable to read posted safety information. This could endanger your personal safety or, worse yet, your life and the lives of others.

[English]

In my home province of Alberta, honourable senators, efforts are being made to address this deficiency head-on. Despite having one of the more literate provinces in the country, there are still problems.

According to a recent Literacy Alberta document, 40 per cent of adult Albertans and 35 per cent of working age Albertans do not have the literacy skills necessary to reach their own potential in our increasingly knowledge-based economy. Moreover, 44 per cent do not have the numeracy — basic math — skills needed, and almost 50 per cent have lower-level problem-solving skills. This is all augmented by the fact that 25 per cent of Alberta's students do not complete high school within five years and that 90 per cent of those students who do not get a high school education have low-level problem-solving skills. In the key 16 to 25 demographic, the future of the province of Alberta, 36 per cent have literacy skills below level three.

Why is this important, honourable senators? Why are these numbers and this situation so unsatisfactory? This situation is unsatisfactory to the people of Alberta because these percentages limit the social and economic potential of our citizens. It is unsatisfactory because these percentages lead to stagnation and eventually a decline in our way of life.

• (1650)

Literacy Alberta has created wonderful fact sheets about many of the key areas affected by low levels of literacy. They include work, family, health, employment, poverty, seniors, people with disabilities, citizenship and justice. They are excellent documents as they provide us with insight into the full impact that illiteracy or literacy have upon a society. The numbers have simply staggering. A 1 per cent increase in average literacy rates would result in a 1.5 per cent permanent increase in GDP. In Alberta alone, that is a permanent increase in GDP of \$3 billion. Almost 20 years ago, with literacy rates similar to what they are now, the

Canadian Business Task Force on Literacy estimated low literacy annually cost businesses \$1.6 billion in lost time due to workplace accidents and \$2.5 billion in productivity. By 2020, it is estimated that Canada will have a shortage of 1 million skilled workers — that is to say, short 1 million workers who are literate enough to fulfil basic job requirements.

These are the realities that we face, honourable senators, and I can provide many more. The Government of Alberta has undertaken to address the issue of literacy. Beginning in January 2005, the Minister of Advanced Education began a series of consultations that would re-evaluate Alberta's current advanced education system. As a part of that process, a member of Alberta's literacy committee was invited to sit on the A Learning Alberta Steering Committee, and one of the subcommittees reporting to the larger steering committees would focus its work on foundational learning and diversity.

The A Learning Alberta Steering Committee recognized that literacy is critical to the desired achievements of Alberta's post-secondary system and therefore critical to Alberta's future productivity and prosperity. I would go so far as to suggest that the steering committee also recognized that we do not have a labour shortage in our province, but a skills shortage.

Just as the Government of Alberta has recognized that literacy has a tremendous impact upon the productivity and prosperity of the province, so too should the Government of Canada recognize the impact it has upon the productivity and prosperity of the nation. It is therefore extremely disappointing to see these \$17.7 million in cuts to literacy recently announced by the federal government.

In May of 2006, Toronto Dominion Economics released a special report on the 2006 federal budget. Within that report, tied to the government's commitment to "promote a more competitive, productive Canada for the benefit of all Canadians," was a section on literacy. The report states, "public and private spending toward the improvement of literacy skills is justified by several studies, which suggest that literacy matters for economic well-being." The report then goes on to highlight some of the findings I have already iterated here today and which have been previously stated in this chamber.

[Translation]

For francophones across the country, the federal government's budgetary cuts to the literacy program had a major impact on these communities.

According to the Fédération canadienne pour l'alphabétisation en français, the impact of the federal government's cuts will be quite different from one province to the next. In Ontario, the Coalition francophone pour l'alphabétisation lost almost two thirds of its budget.

In New Brunswick, the federation tells me that almost the entire budget of the Fédération de l'alphabétisation au Nouveau Brunswick was cut.

In Alberta, Eduk-Alberta, an agency that helps the francophone community in particular, had in recent years developed an approach based on family literacy, which relied on cooperation and an exchange of expertise with Bow Valley College and the Centre for Family Literacy adapted to the needs

of francophones. The announced cuts eliminate the possibility of any further such exchange of expertise in the future.

In British Columbia, a literacy approach more specifically geared to the needs of exogamous couples had been developed and shared with other provinces. The announced cuts eliminate the possibility of any further such sharing of expertise with the other provinces and francophone communities in the future.

The federal government's cuts also make it impossible for federal literacy agencies to work with the provinces. If the agencies had been consulted or warned, they could have diversified their sources of funding and turned to the provincial governments to make up the shortfall.

[English]

Honourable senators, federal spending on literacy must not be construed as creating waste or "overlap." The Leader of the Government in the Senate has stated on many occasions that the cuts were made because the funding overlapped with funding from other jurisdictions. The word "overlap" means extraneous. How can it be extraneous or unnecessary if it is causing programs to close and people to lose their jobs?

Literacy must be articulated for what it truly is — a short-term investment that will allow us to prosper and save long-term. A 1 per cent increase in average literacy rates across this country would result in an \$18 billion permanent increase in GDP. Furthermore, as a more literate population will be richer, healthier, safer, and more just, I cannot adhere to the notion that it is beyond the scope of federal responsibility. In reality, an increase in federal literacy funding is likely to result in a decrease in spending in other areas of federal jurisdiction.

I support Senator Segal's assertion that literacy should be treated as a "joint federal-provincial-private sector undertaking," as well as his call for a federal-provincial summit on the state of literacy in Canada. The first is a recognition that literacy is a national issue that must be faced by all parties and in all sectors, and the second is a tangible goal that can be acted upon and implemented.

I support the commitment of the A Learning Alberta Steering Committee to have 90 per cent of its citizen's score in the upper tiers of international adult literacy and believe it is a level we should seek to attain in Canada from Vancouver Island to Labrador. It is a stretch-goal that should be combined with short-term performance targets that are more easily attained, but I believe it is an aspiration that can be used to inspire our citizens and motivate our governments and businesses.

Lastly, I would suggest that we participate, honourable senators, in the Literacy Action Day events tomorrow, November 9, as Senator Fairbairn has requested. It is a unique opportunity at this time when the issue is at the forefront of our minds to hear from the men and women who spend their days fighting to educate some of our most disadvantaged and disenfranchised citizens.

Thank you again to Senator Fairbairn for being such a relentless advocate of increased literacy in our nation and to all who have helped raise the level of dialogue in conversation on this most critical of public policy issues.

Hon. Wilfred P. Moore: Honourable senators, it is my pleasure today to speak to the inquiry initiated by Senator Fairbairn into the recent cuts to literacy programming by Canada's current government. It is troubling, to say the least, that one of the wealthiest nations on this planet might see fit to choose such a target for spending cuts.

First, let me draw the attention of this chamber to the dedication Senator Fairbairn has displayed to this most worthy of causes. Helping those who cannot read and write has been her passion for many years. In 1987, Senator Fairbairn initiated a national debate on literacy in this chamber. Upon her appointment as Leader of the Government in the Senate in 1993, Senator Fairbairn was also made Minister with Special Responsibility for Literacy. In 1997, she was named Special Advisor on Literacy to the Minister of Human Resources Development Canada. That is a long way of saying that Senator Fairbairn knows of what she speaks when it comes to literacy in Canada.

• (1700)

We have heard honourable senators from across this country discuss the state of literacy in their respective provinces. Today I would like to speak about Nova Scotia.

The Department of Education in Nova Scotia, through the Nova Scotia School for Adult Learning, delivers literacy programming through four initiatives.

Community Learning Networks: Thirty of these networks exist across the province and deliver essential skills and training to individuals. These networks include the Antigonish County Learning Association and the Halifax Learning Community Network.

Nova Scotia Community Colleges: There are 12 campuses which deliver higher level adult education.

Adult High Schools: There are 17 of these high schools;

Université Sainte-Anne: It administers the delivery of French language training at six sites.

That provincial department is taking a lead role in literacy issues. That is not to say there is no room for a federal presence.

We have heard of many studies over the past few days that point out the necessity of government-funded literacy programs. The OECD, the Conference Board of Canada and the C.D. Howe Institute, among others, agree that Canada, through literacy investment, will reap the economic benefits that these better educated workers will produce for our knowledge-based economy. Like the environment and post-secondary education, every report produced nationally and internationally promotes increased investment in literacy, certainly not the cutting of funding.

I would like to cite a report prepared by the Atlantic Provinces Economic Council, APEC, which looked into literacy issues in Atlantic Canada in March 2006. Based on the 2005 International Adult Literacy and Skills Survey, the APEC report reveals that the average proficiency scores in Nova Scotia are at the national average. However, for every one adult equipped to compete in the knowledge-based economy, there is another who, for literacy reasons, is not equipped to do the same.

That survey looked at literacy in four areas, including prose literacy, which is the ability to use and understand information from things such as medicine labels or instruction manuals; and document literacy, which refers to the ability to comprehend simple things such as a bus schedule. Numeracy and problem solving were also included as criteria.

The grading is done in levels one through five, with a minimum of three required to deal with the demands of today's information economy. In Atlantic Canada, the survey demonstrated that 76 per cent of those with level four or five document proficiency were employed, while only 46 of those at the lowest level were employed.

As all literacy studies show, those with higher proficiencies also earned more. One-half of Atlantic Canadians with low-level document proficiency had earnings of less than \$20,000 per year and were also more likely to require government assistance.

Nova Scotia's population is below the national average — 42 per cent — of the proportion of adults with lower-level prose literacy proficiency; it is at 38 per cent. One way to improve this level is to at least obtain the level of high school graduate.

That brings us to an organization called Literacy Nova Scotia. Literacy Nova Scotia is described as the "premiere professional voice for literacy in Nova Scotia." The mission of Literacy Nova Scotia is to ensure that "every Nova Scotian has access to quality literacy education." Working with the provincial Department of Education, Literacy Nova Scotia has played a leadership role in my province through the provision of services to practitioners, both professional and volunteer, who deliver the programs to the 5,000 adults taking part in literacy programs. According to Literacy Nova Scotia, it is this training and professional development that results in a successful adult literacy program.

Literacy Nova Scotia was informed by Human Resources and Social Development Canada that it was included in the funding cuts announced by our current government. What are the consequences of those cuts for my province? They include the loss of the following: direct skill enhancement for learners through 12 workshops held across Nova Scotia; professional development offered by experts in the field of adult literacy for literacy practitioners — instructors and tutors — through regional workshops; action research training workshops for practitioners through 12 regional workshops and two professional conferences; four provincial conferences for coordinators of community based programs comprised of 30 networks, to ensure consistent quality of service to the approximately 2,500 adult learners in those programs; 12 workshops on inclusion techniques and cultural sensitivity; a provincial conference to discuss the learning communities concept to integrate literacy into all aspects of community development; and 12 regional workshops providing support to non-profit literacy organizations.

Furthermore, in a letter addressed to Mr. Gerald Keddy, Conservative member of the other place for South Shore—St. Margaret's, the board of directors of the Queens County Learning Network expressed their deep concerns over the cuts to literacy programs. According to the board:

...most of us consider LNS to be our “umbrella” organization that holds us together and puts us in touch with other community based programs in other areas of the province to help us with a common concern.

If organizations such as this express such concerns over these cuts, it begs this question: Was anyone consulted in the literacy community before these cuts were made? Minister Finley was asked that very question in the other place and she could not name one group that was consulted.

After informing Literacy Nova Scotia that their funding would be cut, the same government then turned around and informed Literacy Nova Scotia they would actually have enough funds approved to remain open until August of next year. Then what? Will these funding cuts be restored on a yearly basis? There is much confusion here, and yet this government continues to boast of the \$81 million in funding over two years that remains after the cuts.

Literacy Nova Scotia was also informed that all programming funded in the future would have to be “national in scope.” What does this mean? What could be more national in scope than adult literacy, a cause that includes persons of every race, culture and gender?

What is the plan in allocating the \$41 million for this year? What exactly is the national strategy being touted by this government?

Literacy Nova Scotia must have its funding restored, as should the rest of the similar organizations across our country. Not to do so is a sorry erosion of our social fabric.

For a mere \$17.7 million investment in restored funding to literacy programs across Canada — and, specifically, the \$345,028 taken from Nova Scotia — Literacy Nova Scotia can get back to fulfilling its leadership mission in preventing my province from

being marginalized in an economic environment that places an increased premium on knowledge, skills and adaptability.

On motion of Senator Robichaud, debate adjourned.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO REFER DOCUMENTS
FROM STUDY ON BILL S-18 IN FIRST SESSION
OF THIRTY-SEVENTH PARLIAMENT
TO STUDY ON BILL S-205

Hon. Tommy Banks, pursuant to notice of November 7, 2006, moved:

That the papers and evidence received and taken and work accomplished by the Standing Senate Committee on Energy, the Environment and Natural Resources during its study of Bill S-18, An Act to amend the Food and Drugs Act (clean drinking water) in the First Session of the Thirty-seventh Parliament be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources for its study of Bill S-205, An Act to amend the Food and Drugs Act (clean drinking water).

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Thursday, November 9, at 1:30 p.m.

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(HANSARD)

Thursday, November 9, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Thursday, November 9, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

NATIONAL PHILANTHROPY DAY

Hon. Terry M. Mercer: Honourable senators, again this year, hundreds of charities and over 50,000 people across North America will participate in ceremonies marking National Philanthropy Day on November 15, first celebrated in 1986. It is a day set aside to recognize and pay tribute to the great contributions that philanthropy, and those people active in the philanthropic community, have made to our lives, our communities, our nation and our world.

Honourable senators, when we choose to give and offer our time, our nation becomes a better place. Philanthropy truly is the love of humankind. It simply means people helping people.

All 14 chapters of the Association of Fundraising Professionals celebrate National Philanthropy Day in their own way. I will be leading an educational session in Halifax next Wednesday, discussing trends in fundraising and modern ethical fundraising techniques. We are also celebrating "Youth Philanthropy" at our luncheon this year in Halifax. Honourable senators, what would you do if you were 10 years old and you were given \$250, but you had to give that money away to a charity? To whom would you give it and why? Three classes, each in different areas of the Halifax Regional Municipality, at the elementary, junior and senior high school levels, were asked these very questions. They were required, as a class, to identify which charity they would like to donate the \$250 to. It will be interesting to see how they decided because our youth are our future decision makers and our future volunteers.

I will also be attending the Ottawa Philanthropy Day awards event that evening. Similar events will be held in Vancouver, St. John's, Toronto, Hamilton, Winnipeg, Montreal, Regina, Saskatoon, Windsor, Calgary, Edmonton and Victoria.

• (1335)

Honourable senators, a National Philanthropy Day recognized by the federal government would increase the awareness of charities and the important role that they play in Canadian society. I will continue to pursue this goal in conjunction with my colleague the Honourable Senator Grafstein and many others of you here. This is how important charitable giving is to me and to all Canadians.

REMEMBRANCE DAY

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Saturday is Remembrance Day and we will remember, and do remember, the more than 116,000 Canadian soldiers throughout our history who have

died in service to their country, our country, during wars and conflicts.

This weekend, as Remembrance Day ceremonies take place at cenotaphs across the country, these ceremonies will hold a special meaning because of the loss of 42 of our brave soldiers in Afghanistan since the year 2002, including the loss of our first female soldier to be killed in combat. We will also remember the Canadian-born soldiers who died this year in Lebanon and Iraq fighting with the Israeli army and U.S. army.

These deaths have brought home to younger Canadians a sad truth that many older Canadians learned long ago: that the protection of freedom and democracy comes at a very high and terrible price.

In mourning the most recent losses of our soldiers on Remembrance Day, Canadians also remember the sacrifices of the past. This year we observed a significant anniversary of some of the bloodiest battles in the First World War. As Senator Hubley pointed out in the chamber last week, July 1 marked the ninetieth anniversary of the beginning of the Battle of the Somme and, in particular, the Battle of Beaumont-Hamel. Although there are only three known soldiers of the First World War still alive in our country today, the impact of these battles has not been forgotten. In fact, Beaumont-Hamel was an event of such devastation for the people of Newfoundland and Labrador that its memory is keenly felt in the province to this day.

Honourable senators, though much of our world has changed since the First World War, young men and women still die in defence of our freedoms, and they are still mourned by friends and families and their fellow countrymen. The emotions of those left behind have remained the same: a profound sense of loss mixed with a deep pride in the heroism and dedication to duty of their loved ones.

On Remembrance Day, we honour all Canadian soldiers, today and throughout our history, who have made the ultimate sacrifice. We honour them and thank them with very heavy hearts.

Hon. Terry Stratton: Honourable senators, I rise today to speak the names of those 42 soldiers who have been killed in Afghanistan: Blake Neil Williamson; Darcy Scott Tedford; Mark Andrew Wilson; Robert Thomas James Mitchell; Craig Paul Gillam; Josh Klukie; Keith Morley; Shane Keating; Glen Arnold; David Byers; Mark Anthony Graham; Shane Stachnik; William Jonathan James Cushley; Richard Nolan; Frank Mellish; David Braun, Andrew James Eykelenboom; Scott Jeffrey Walsh; Raymond Arndt; James Bryce Keller; Vaughan Ingram; Kevin Dallaire; Christopher Jonathan Reid; Jason Patrick Warren; Francisco Gomez; Anthony Joseph Boneca; Nichola Goddard; Randy Payne; William Turner; Myles Mansell; Matthew Dinning; Robert Costall; Timothy Wilson; Paul Davis; Braun Scott Woodfield; Jamie Brendan Murphy; Robbie Christopher Beerenfenger; Robert Alan Short; Mark D. Léger; Nathan Smith; Richard A. Green; Ainsworth Dyer.

[Later]

Hon. Norman K. Atkins: Honourable senators, it was very appropriate for Senator Stratton to name those who have given their lives in Afghanistan. It is especially appropriate to do so this week.

I think it is also appropriate to mention those who have been wounded and are at various stages of recovery. I think we must think about those individuals as well.

Hon. Senators: Hear, hear!

• (1340)

LITERACY ACTION DAY

Hon. Rod A. A. Zimmer: Honourable senators, it was about a year ago that Jacques Demers, the venerable former hockey coach of the Montreal Canadiens, the greatest hockey team in the world, released a biography in which he admitted that throughout his illustrious career, he had hidden his inability to read. When asked about the Conservatives' attempt to lure him as a candidate last year, Mr. Demers laughed and said, "Imagine a politician who can't read or write!"

One might say that that is unimaginable, but the beauty of having the power to administer a government budget is that it can be used to fund programs that empower people to better themselves and to achieve things once thought unimaginable.

Honourable senators, as Senator Fairbairn and several of our other colleagues have stressed over the past weeks, a heavy blow has been dealt to literacy programs across the country by the \$17.7-million cut announced by the government in October. In my province of Manitoba, 290,000 people with low literacy skills are served by Literacy Partners of Manitoba. Over the past two years, Literacy Partners' long list of accomplishments has included the recruitment of more than 100 volunteers to work in literacy programs, the free distribution of books to remote Aboriginal communities, and the provision of almost \$20,000 in bursaries to adult learners for prescription eyewear, child care, transportation and school supplies.

As a result of the government's decision to cut funds to literacy programs, Literacy Partners will lose about 80 per cent of its funding, resulting in the closure of the coalition in 2008. In the interim, the cuts will eliminate multiple services to learners in adult and family literacy programs and to practitioners across the province.

Over the past four years, CanWest Communications Corporation of Winnipeg has provided \$73,000 for family literacy programs across Manitoba through its Raise-A-Reader program. In the 1980s, I had the privilege and honour of working alongside CanWest's founder and former Chairman, Izzy Asper, who was a pioneer and visionary in the field of literacy. While outstanding companies such as CanWest recognize the importance of supporting family literacy initiatives, the government's decision has cut the lifeline for organizations such as Literacy Partners of Manitoba. Unfortunately, the negative impact of the government's decision will be felt for years to come.

Yesterday, our honourable colleague, Senator Tardif, gave an eloquent speech that underscored the measurable impacts of the decision on her province and on other areas of Canada. On this Literacy Action Day, I would like to join her and other honourable senators in tipping my hat to Senator Fairbairn for her outstanding leadership on this issue. I would also like to thank all the volunteers, staff and donors across the country who have been fighting to keep the spirit of literacy alive.

Finally, to quote Kofi Annan, "Literacy is...the road to human progress and the means through which every man, woman and child can realize his or her full potential."

I sincerely hope that the government will reverse its decision and continue to lend its much-needed financial support to literacy programs across this great adventure we call Canada.

[Later]

Hon. Lillian Eva Dyck: The Saskatchewan Literacy Network has acted as a voice for literacy for 17 years. The network is an umbrella organization that brings together hundreds of people in Saskatchewan with an interest in improving literacy for all people. The Saskatchewan Literacy Network applies for funding each year to the National Literacy Secretariat in order to promote and support literacy in the province. Last year, the Saskatchewan Literacy Network received \$170,000 in coalition funding from the National Literacy Secretariat to support the Saskatchewan provincial literacy work. On September 27, the Saskatchewan Literacy Network was notified by a phone call that this funding had been eliminated.

Honourable senators, the long-term and short-term implications of such cuts are horrendous for the people in Saskatchewan. In the short term, after calling an emergency meeting, the board has decided to use the Saskatchewan Literacy Network's limited reserve funds to support significantly reduced operations until August 31, 2007. Unless other dollars are secured, this will mean an immediate reduction in service and support in four key service areas. The first area, called "learner involvement," will no longer be able to support regional learner groups. Second, in terms of field development, the Saskatchewan Literacy Network will no longer be able to provide subsidized family and adult literacy training. Third, the communications department will no longer be able to publish printed resources. Finally, resource development will attempt to continue to voice and bring forward issues and concerns expressed by the literacy field.

In the immediate future, the Saskatchewan Literacy Network will be moving to smaller office space and staffing will be reduced from eight full-time equivalents to only four full-time equivalents.

Honourable senators, in the long term, if financial resources are not secured for the Saskatchewan Literacy Network and within the next 10 months, it will be forced to close its doors on August 31, 2007.

I hope that in the long-term plans of the current government there will be ways found to ensure that the Saskatchewan Literacy Network continues to exist and provide its important services.

[Translation]

NATIONAL GALLERY OF CANADA

APPOINTMENT OF MS. FRANCINE GIRARD TO BOARD OF DIRECTORS

Hon. Andrée Champagne: Honourable senators, on October 31, 2006, the Honourable Beverly Oda, Minister of Canadian Heritage, announced the appointment of Francine Girard to the board of directors of the National Gallery of Canada.

As a native of the Saint-Hyacinthe region, I applaud this appointment. Let me tell you a bit about Francine Girard.

After earning an undergraduate degree from Collège St-Maurice in Saint-Hyacinthe, an art history degree from the Université de Montréal and a certificate in photography, Francine Girard devoted herself to teaching. She chose to share her love and knowledge of art at the Saint-Hyacinthe CEGEP for 25 years.

She taught "L'univers des musées," a course offered by the Université de Montréal in cooperation with the Montreal Museum of Fine Arts. She also led a series of workshops for Musée d'art contemporain de Montréal guides and was a member of the committee that revised the Quebec Ministry of Education's college-level art history course.

Her other achievements are no less impressive. She co-founded EXPRESSION, Centre d'exposition de Saint-Hyacinthe and has been running the gallery's school group programs since it first opened its doors.

• (1345)

She was an art history consultant for the Musée de la civilisation in Québec for the exhibition "Sacred Money, Cursed Money".

She has published several books on both art history and photography. She piqued readers' interest in visual arts in her book *Apprécier l'oeuvre d'art*. She has contributed to a number of publications, presented at several conferences and has served on many juries.

I have become more acquainted with Ms. Girard over the past ten years, since we both sit on the board of directors of the Conseil de la culture de Saint-Hyacinthe. Without her dedication and, above all, her determination, the Centre des Arts Juliette-Lassonde would surely have never been founded.

She is a devoted mother who, over the years, has always found the time to share her love of all forms of art, but particularly visual arts.

Francine Girard is truly deserving of this appointment. As always, Ms. Girard will give everything she has to her duties, I have no doubt. The National Gallery of Canada, and all Canadians, can only benefit from her experience.

Honourable senators, I invite you to join me, along with everyone from Saint-Hyacinthe, in heartily congratulating Ms. Girard.

• (1350)

[English]

ROUTINE PROCEEDINGS

TAX CONVENTIONS IMPLEMENTATION BILL, 2006

REPORT OF COMMITTEE

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, November 9, 2006

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

ELEVENTH REPORT

Your Committee, to which was referred Bill S-5 An Act to implement conventions, and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, has, in obedience to the Order of Reference of Tuesday, October 31, 2006, examined the said Bill and now reports the same without amendment.

JERAHMIEL S. GRAFSTEIN
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SEVENTH REPORT OF COMMITTEE TABLED

Hon. George J. Furey: Honourable senators, I have the honour to table the seventh report of the Standing Committee on Internal Economy, Budgets and Administration concerning the alleged misuse of funds by the Standing Senate Committee on National Security and Defence.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

THIRD PART, 2006 ORDINARY SESSION OF COUNCIL OF EUROPE, JUNE 26-30, 2006—REPORT TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table the report of the delegation of the Canada-Europe Parliamentary Association to the Third Part of the 2006 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France, from June 26 to 30, 2006.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY IMPACT AND EFFECTS
OF SOCIAL DETERMINANTS OF HEALTH**

Hon. Wilbert J. Keon: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the impact of the multiple factors and conditions that contribute to the health of Canada's population — known collectively as the social determinants of health — including the effects of these determinants on the disparities and inequities in health outcomes that continue to be experienced by identifiable groups or categories of people within the Canadian population.

That the Committee examine government policies, programs and practices that regulate or influence the impact of the social determinants of health on health outcomes across the different segments of the Canadian population, and that the Committee investigate ways in which governments could better coordinate their activities in order to improve these health outcomes, whether these activities involve the different levels of government or various departments and agencies within a single level of government.

That the Committee be authorized to study international examples of population health initiatives undertaken either by individual countries, or by multilateral international bodies such as (but not limited to) the World Health Organization.

That the Committee submits its final report to the Senate no later than June 30, 2009 and that the Committee retain all powers necessary to publicize its findings until December 31, 2009.

[Translation]

QUESTION PERIOD**DELAYED ANSWERS TO ORAL QUESTIONS**

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting answers to two oral questions raised on June 27, 2006 by the Honourable Senator Hays, in regard to the EnerGuide Program, and the honourable Senator Banks, in regard to the One-Tonne Challenge.

THE ENVIRONMENT**CUTTING OF ENERGUIDE PROGRAM—COMMENTS BY
MINISTER OF NATURAL RESOURCES**

(Response to question raised by Hon. Daniel Hays on June 27, 2006)

The Government looked carefully at the EnerGuide program and decided not to continue with the program as the best means of achieving its energy efficiency goals. As new energy efficiency programs are developed, the Government will consider any valuable elements of previous programs and work to ensure the greatest value from our programs.

The Government has stated publicly that the EnerGuide program was cut partially because it was deemed to be financially ineffective in that roughly 50 cents of every dollar was used for administrative and audit costs.

The Government is looking at all programs to assess their value and is developing a new strategy for reducing greenhouse gas emissions and ensuring clean air, water, land and energy for Canadians.

(Response to question raised by Hon. Tommy Banks on June 27, 2006)

Germany is one of a number of countries in the European Union who are participating in a public education campaign called "You Control Climate Change".

This public education campaign is designed specifically to address the circumstances in Europe and the opportunities to reduce greenhouse gases in member countries.

While there may be similarities, this program does not appear to have been modeled directly on the One-Tonne Challenge.

This government's environmental agenda will ensure that Canadians are given the encouragement and support they need to take real action on clean air and the environment in an approach that best suits the situation here in Canada.

[English]

ORDERS OF THE DAY**FEDERAL ACCOUNTABILITY BILL****THIRD READING**

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Andreychuk, for the third reading of Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, as amended;

And on the motion in amendment of the Honourable Senator Mercer, seconded by the Honourable Senator Baker, P.C., that Bill C-2 be not now read a third time but that it be amended,

(a) in clause 40, on page 56, by replacing lines 7 to 9 with the following:

“statements may be produced by the Commissioner for the purpose of a prosecution for”;

(b) by deleting clause 121 on pages 103 to 109;

(c) by deleting clause 122 on page 110;

(d) by deleting clause 123 on page 110;

(e) by deleting clause 124 on pages 110 and 111;

(f) by deleting clause 125 on page 111;

(g) by deleting clause 126 on page 111;

(h) by deleting clause 127 on page 111;

(i) by deleting clause 128 on pages 111 and 112;

(j) by deleting clause 129 on page 112;

(k) by deleting clause 130 on page 112;

(l) by deleting clause 131 on pages 112 and 113;

(m) by deleting clause 132 on page 113;

(n) by deleting clause 133 on pages 113 and 114;

(o) by deleting clause 134 on page 114;

(p) by deleting clause 135 on page 115;

(q) by deleting clause 136 on page 115;

(r) by deleting clause 137 on page 115;

(s) by deleting clause 138 on page 115;

(t) by deleting clause 139 on pages 115 and 116;

(u) by deleting clause 140 on page 116; and

(v) by deleting clause 273 on page 193;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended in clause 227:

(a) on page 175,

(i) by replacing line 32 with the following:

“1.1 The Governor in Council may estab-”, and

(ii) by replacing lines 35 to 39 with the following:

“other members to perform such functions as the Governor in Council may specify, and may appoint the chairperson and other members and fix their remuneration and expenses.”;

(b) on page 176, by deleting lines 1 to 41; and

(c) on page 177, by deleting lines 1 to 20;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended,

(a) by deleting clause 39 on page 52;

(b) by deleting clause 40 on pages 52 to 56;

(c) by deleting clause 41 on page 56;

(d) by deleting clause 42 on pages 56 and 57;

(e) by deleting clause 43 on page 57;

(f) by deleting clause 44 on pages 57 and 58;

(g) by deleting clause 45 on page 58;

(h) by deleting clause 46 on pages 58 and 59;

(i) by deleting clause 47 on pages 59 and 60;

(j) by deleting clause 48 on page 60;

(k) by deleting clause 49 on pages 60 and 61;

(l) by deleting clause 50 on page 61;

(m) by deleting clause 51 on page 61;

(n) by deleting clause 52, on pages 61 and 62;

(o) by deleting clause 53 on page 62;

(p) by deleting clause 54 on page 62;

(q) by deleting clause 55 on pages 62 and 63;

(r) by deleting clause 56 on pages 63 and 64;

(s) by deleting clause 57 on page 64;

(t) by deleting clause 58 on page 64;

(u) by deleting clause 59 on page 64;

(v) by deleting clause 60 on page 64;

(w) by deleting clause 61 on page 65;

(x) by deleting clause 62 on page 65;

(y) by deleting clause 63 on page 65;

- (z) by deleting clause 64 on page 65; and
- (z.1) in clause 108,
 - (i) on page 93, by deleting lines 38 to 41, and
 - (ii) on page 94, by deleting subclauses (4) and (4.1);

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended in clause 121:

- (a) on page 103, by replacing lines 22 and 23 with the following:

“this Act referred to as the “Director”).”;

- (b) on page 105, by deleting lines 14 to 42;
- (c) on page 106,
 - (i) by deleting lines 1 to 8,
 - (ii) by replacing lines 12 and 13 with the following:
 - “for cause. The Director”, and
 - (iii) by deleting lines 40 to 42; and
- (d) on page 107, by deleting lines 1 to 3;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended,

- (a) by deleting clause 91 on page 86;
- (b) by deleting clause 98 on page 87;
- (c) in clause 108, on page 94, by replacing line 5 with the following:
 - “(5) Sections 65 to 82, 84 to 88, 90 and 92 to 97”;
- (d) by deleting clause 117 on page 100;
- (e) by deleting clause 141 on pages 116 and 117;
- (f) by deleting clause 142 on page 117;
- (g) by deleting clause 143 on page 117;
- (h) by deleting clause 144 on page 118;
- (i) by deleting clause 145 on page 118;
- (j) by deleting clause 146 on pages 118 and 119;
- (k) by deleting clause 147 on page 119;
- (l) by deleting clause 148 on pages 119 and 120;

- (m) by deleting clause 149 on page 120;
- (n) by deleting clause 150 on page 120;
- (o) by deleting clause 150.1 on page 120;
- (p) by deleting clause 151 on pages 120 and 121;
- (q) by deleting clause 152 on page 121;
- (r) by deleting clause 153 on page 121;
- (s) by deleting clause 154 on pages 121 and 122;
- (t) by deleting clause 155 on page 122;
- (u) by deleting clause 156 on page 122;
- (v) by deleting clause 157 on page 122;
- (w) by deleting clause 158 on page 122;
- (x) by deleting clause 159 on pages 122 and 123;
- (y) by deleting clause 160 on page 123;
- (z) by deleting clause 161 on page 123;
- (z.1) by deleting clause 162 on page 123;
- (z.2) by deleting clause 163 on pages 123 and 124;
- (z.3) by deleting clause 164 on pages 124 to 126;
- (z.4) by deleting clause 166 on page 126;
- (z.5) by deleting clause 167 on page 126;
- (z.6) by deleting clause 168 on page 127;
- (z.7) by deleting clause 169 on page 127;
- (z.8) by deleting clause 170 on page 127;
- (z.9) by deleting clause 171 on page 127;
- (z.10) by deleting clause 172 on page 127;
- (z.11) by deleting clause 172.01 on page 127;
- (z.12) by deleting clause 181 on pages 131 and 132;
- (z.13) by deleting clause 182 on pages 132 and 133;
- (z.14) by deleting clause 183 on page 133;
- (z.15) by deleting clause 184 on page 133;
- (z.16) by deleting clause 185 on pages 133 and 134;
- (z.17) by deleting clause 186 on page 134;
- (z.18) by deleting clause 187 on page 134;
- (z.19) by deleting clause 188 on page 134;
- (z.20) by deleting clause 189 on page 134;

- (z.21) by deleting clause 190 on pages 134 to 136;
- (z.22) by deleting clause 191 on pages 136 and 137;
- (z.23) by deleting clause 192 on page 137;
- (z.24) by deleting clause 193 on page 137;
- (z.25) by deleting clause 221 on pages 171 and 172; and
- (z.26) in clause 228,
 - (i) on page 177,
 - (A) by replacing lines 21 to 30 with the following:
 “228. Sections 173 to 179 and 227 come into force on a day or days to be”, and
 - (B) by deleting lines 32 to 44, and
 - (ii) on page 178, by deleting lines 1 to 4;

And on the motion in amendment by the Honourable Senator Milne, seconded by the Honourable Senator Day, that Bill C-2 be not now read a third time but that it be amended in clause 150.1, on page 120, by adding after the words “However, the head shall not disclose” the following:

“under this section”;

And on the motion in amendment by the Honourable Senator Andreychuk, seconded by the Honourable Senator Oliver, that Bill C-2 be not now read a third time but that it be amended in clause 2 on page 32, by replacing lines 23 to 25 with the following:

“64. (1) Nothing in this Act prohibits a member of the Senate or the House of Commons who is a public office holder or former public office holder from engaging in those”;

And on the motion in amendment by the Honourable Senator Nolin, seconded by the Honourable Senator Andreychuk, that Bill C-2 be not now read a third time but that it be amended in clause 227, in the French version:

- (a) on page 176,
 - (i) by replacing line 19 with the following:
 “c) établir un code de pratique régissant les”,
 - (ii) by replacing line 29 with the following:
 “l’observation du code de pratique”,
 - (iii) by replacing line 31 with the following:
 “tion du code de pratique par le gouvernement et ”,
 - (iv) by replacing line 40 with the following:
 “lement de mandat relevant du code de pratique”; and

(b) on page 177, by replacing line 9 with the following:

“tout incident de non-observation de son code de”.

(Pursuant to the Order adopted on November 7, 2006, all questions will be put to dispose of third reading of Bill C-2 no later than 3:30 p.m. on November 9, 2006.)

Hon. Donald H. Oliver: Honourable senators, I am pleased to participate in the third reading debate on Bill C-2.

The committee’s study of Bill C-2 has been the most incredible legislative experience of my life, and it is an experience that will remain indelibly imprinted on my mind for as long as I shall live.

At the end of my remarks, there are a number of people whom I would like to thank for their contribution to this study, but before I begin, there is one honourable senator I would like to single out for his help, support, judgment and encouragement, without which we would likely not be here today at third reading. I am referring to the Honourable Senator Terrance Stratton, and I thank him for his help and support.

Some Hon. Senators: Hear, hear!

Senator Oliver: As chair of the Standing Senate Committee on Legal and Constitutional Affairs, it has been my privilege to preside over one of the most detailed reviews ever given by the Senate of Canada to a government bill, Bill C-2, the proposed Federal Accountability Act. Beginning on June 27, 2006, and ending on Wednesday, October 25, your committee held 31 meetings, heard 168 witnesses, and sat for over 110 hours.

Over this period, the committee heard from lawyers, law professors, academics, journalists, government officials and experts in public administration, electoral matters, lobbying, access to information, whistle-blowing, public appointments, audit and procurement, as well as many of the groups, organizations, foundations, incorporations and concerned Canadians affected by particular portions of this complex legislation.

The committee did extensive work in exploring the issues and delving into the details of the new accountability regime. The committee members gave serious thought to the new measures, their implications and the consequences with respect to greater openness and transparency in the federal government.

We also turned our attention to the role of Parliament and, in particular, the Senate, with respect to increased accountability.

On October 24 and 25, the committee considered and passed 156 amendments to the bill, which resulted in a combined total of 480 separate modifications to the English and French text, taken together in a few cases, bringing improvements to it and, in others, creating new difficulties and loopholes that will weaken the proposed accountability regime.

Bill C-2 merited intensive study because it is one of the most significant pieces of legislation brought before Parliament in recent years. No speech I might give could begin to touch on the full range of issues covered in the bill or in your committee’s hearings, but I wish to point out a few aspects of the bill that are important to me.

• (1400)

As soon as possible after the election in January of this year, on April 11, the Government of Canada introduced a sweeping federal accountability bill, delivering on its commitment to make government more accountable. This landmark legislation extends into many sectors of the federal administration. The bill is the new government's centrepiece — its key contribution to a new way of operating in government. If it had been passed in its original form, before it was extensively weakened and amended by opposition members of the committee, it would have significantly improved our democratic system.

The bill's breadth makes it complex, but its broad impact was required to ensure that effective changes would be made in it to critical aspects of our government machinery. Through the proposed federal accountability act and its accompanying action plan, the Government of Canada brought forward specific measures to help strengthen accountability and increase transparency and oversight in government operations.

As we all know, accountability was one of the key themes in the 2006 election campaign, having increasingly captured the attention of the Canadian public in recent years as a result of a series of controversies over the management of government programs and their costs.

The November 2003 report of the Auditor General, which was tabled in February 2004 and identified issues raised by the sponsorship program and the release of the reports of the Gomery Commission in November 2005 and February 2006, played an important role in identifying accountability processes and the information needed to make them effective as a central focus for reform initiatives.

Although the bill has been criticized and amended, it is clear that the preponderance of evidence received by the committee supports my contention that many elements of the bill do in fact promote transparency and answerability. With the passage of this legislation, Canadians will be better able to hold public officials more to account in fundamental ways and that, honourable senators, is what this is all about.

More agencies will be subject to the Access to Information Act and the Privacy Act than ever before. The whistle-blower protection regime will be strengthened. A new public appointments commission will be enshrined in legislation for the first time. A new Director of Public Prosecutions will be in place, better shielding the federal prosecution service from possible interference. New provisions to improve the procurement and audit functions within the federal government will be in place. The powers of the Auditor General will be expanded. Improvements in the election financing system will enhance the functioning of Canada's already excellent election system. The Ethics Commissioner's role will be expanded and a parliamentary budget officer will be in place to improve truth in budgeting. Other more technical improvements are also included in this legislation.

Before turning to particular elements of the bill, I would like to briefly consider the fundamental concept behind it.

Honourable senators, accountability is the essence of this legislation. It is a groundbreaking achievement that will make

Canada a model for the world. This opinion was reflected in the strong support the legislation received from some very eminent witnesses. Professor C.E.S. Franks, perhaps the most respected and knowledgeable academic about Parliament in Canada, said to the committee:

I consider the proposed act to be a tremendous step forward in responsibility and accountability in the Government of Canada.

Another well-known expert in public administration, Professor Peter Aucoin, from Dalhousie University, said:

I suggest that democratic governance will be strengthened, not weakened, by these measures.

Professor David Zussman, another prominent academic, said:

The Prime Minister has actually set the right tone regarding this legislation...

And that:

...this bill represents a massive rethinking of the governance structure in Canada.

Accountability is fundamental to our representative democratic system. It legitimizes the government's right to govern; ministers are individually accountable to Parliament for their actions and for all aspects of their department's and agency's activities. Ministers are also collectively accountable for the decisions taken by the cabinet. It is the role of Parliament to closely question and scrutinize the actions of the government, which, in turn, must maintain the confidence of Parliament. By doing so, democratic accountability can serve three purposes: to control against the abuse or misuse of power; to provide assurance that activities were carried out as intended; and to encourage improved performance of programs.

The outrageous scandal of the Sponsorship Program showed that it was all too easy for ministers of the previous government to avoid accountability for abuse of authority and corruption. Following the recommendations of Justice John Gomery, this legislation will make fundamental and vital reforms to accountability by making deputy ministers the accounting officers for their department and, as such, answerable before the appropriate committees of the Senate and the House of Commons for departmental administration. Too often, accountability has been evaded because it was not clear who is responsible for what. This legislation will clarify accountability by making it easier for Parliament to separate inappropriate political direction from proper administration.

Intimately connected with accountability is transparency, which is the "sustaining light" of accountability. It implies that one can see clearly into the activities of government. Some have said that sunlight is the best disinfectant. Shining the light of transparency on the activities of government is the best way to improve public administration and to eliminate abuse and corruption. Visibility encourages ministers and public servants to behave in ways that can withstand public scrutiny. It is the prospect of being detected that acts as a deterrent in most cases, and if not, increased transparency brings those cases to light.

The strong protections provided to whistle-blowers in this bill will help expose wrongdoing within government. Moreover, the bill will subject more officers and organizations to the Access to Information Act. It is very important to hold the government to account if it is not possible to know what is going on inside the black box. This bill will open up the box and make government more transparent and thereby more accountable.

Canadians have become cynical about their representative institutions. They have come to view their elected representatives and Parliament more generally, with suspicion. This is a shame and needs to be corrected. The goal of this legislation is to regain the trust of Canadians that was eroded by the actions of the previous government.

The importance of the proposed federal accountability act was emphasized by the two ministers who briefed the committee early in our study of this bill. Justice Minister Vic Toews, in addition to briefing us specifically about the Access to Information Act amendments and the proposed establishment of a director of public prosecutions, offered this explanation for the priority placed upon this bill by this new government:

This bill, we believe, will strengthen accountability and increase transparency and oversight in government operations, and in so doing the bill will help rebuild Canadians' confidence in the integrity of their public institutions.

He said that on June 29.

The Honourable John Baird, President of the Treasury Board, spoke to us of the tremendous importance and efforts that have been made in the other place to improve the bill in its progress through the legislative committee of the House. He said:

All of us have worked tremendously hard across party lines to make the federal accountability act one of the most important pieces of legislation that Parliament has ever presented to Canadians. We strongly believe that the act meets their expectations. It is one that builds on transparency, openness, and accountability; one that builds trust in government; one that makes government more effective, efficient, and I strongly believe more relevant; and one that I believe will help make government work better for the people of Canada.

• (1410)

There are a few specific elements of the bill upon which I would now like to comment. The government had originally proposed in Bill C-2 to have a single ethics officer, the new conflict of interest and ethics commissioner who would have overseen three regimes. They are the conflict of interest act for public office holders and both the House of Commons and the Senate conflict of interest codes. This would have strengthened the conflict of interest regime for parliamentarians and public office holders.

There is a compelling case that having one skilled and experienced officer administering the act and the two codes would lead to consistency and expertise not achievable with two officers. However, in an extensive series of amendments by Liberal senators, the majority of the committee, the position of the Senate Ethics Officer was restored. I am unable to agree with this change. I believe it is unnecessary.

The three regimes that the single commissioner would have administered are separate but complementary. One adviser would not have had an insuperable job in mastering two codes and an act, and in recognizing the sensitivities in administering each. A single individual could have brought a broad perspective to bear, informed by the best practices and the experiences under all three regimes. This approach was, in the government's view, best suited to ensuring that Canadians would have full confidence in public office holders and in parliamentarians alike.

I remind the chamber that some senators are also members of the executive. Under the current system, and again under the amended bill, they will continue to be subject to two advisers. I reject the argument that the system as originally proposed by the bill somehow infringes the privileges of this house and affects our responsibility or our ability to discipline our own members.

Honourable senators, we remain with full control over our own code. We retain full control over final dispositions, following an adviser's investigation. The new commissioner would have had no mandate to report to anyone other than senators on matters concerning senators and their compliance with the Senate code. The close personal contact that we value with our current officer would have been preserved. Fears of a large impersonal bureaucracy were unfounded.

The creation of a single ethics commissioner would have provided a key element in restoring accountability, and in restoring the confidence of Canadians in Parliament and government. That said, in my view, the powers of the legislated regime governing public office holders are significant, and the government's move to enshrine that regime in legislation through this bill is a positive one.

During its deliberations, the committee noted that there were four provisions in Bill C-2 that recognize a role for the House of Commons, while failing to acknowledge an equivalent role for the Senate of Canada. I am pleased to say, honourable senators, that these provisions have been revised, with the inclusion of appropriate references to the Senate.

The first, clause 116, of Bill C-2, amends the Parliament of Canada Act by adding section 79.1, which states that the parliamentary budget officer shall be chosen from a list of three names submitted in confidence through the Leader of the Government in the House of Commons without including the Leader of the Government in the Senate. By committee amendment, this omission has been corrected.

The second, clause 121, creates section 4 of the director of public prosecutions act, which provides for the establishment of a selection committee consisting of several members, including a person named by each recognized political party in the House of Commons. The unamended section made no provision for representatives of each recognized political party in the Senate. The committee also amended clause 121 by adding a representative from each recognized party in the Senate to the committee that will select candidates for the position of director.

Clause 121 was further amended to clarify that the parliamentary committee that considers the final candidate chosen by the Attorney General will be established by either or both Houses of Parliament.

The third, clause 121, creates section 5 of the director of public prosecutions act, which establishes that the director holds office during good behaviour for a term of seven years but may be removed by the Governor in Council at any time for cause with the support of a resolution of the House of Commons to that effect. Therefore, if it became necessary to institute the removal process, the consent of the Senate would not have been required to bring an end to the director's term of office. An amendment was made so that the director of public prosecutions may be removed for cause with the support of not only a resolution of the House of Commons but also of the Senate.

Lastly, clause 227 amends the Salaries Act by adding section 1.1, which provides for the composition of the public appointments commission. In its original form, the section stipulates that the Prime Minister was to consult with the leader of every recognized party in the House of Commons before making a recommendation to the Governor in Council that a person be appointed to the commission. In committee, the requirement for consultation with the leaders of recognized political parties in the Senate was added. These important amendments serve to ensure that the constitutional role of the Senate as a chamber of independent thought is respected.

Honourable senators, not every witness who was called before our committee was as helpful as some others. I looked up the transcript from one of the witnesses. At page 109, one witness said, "A senator called my office to ask whether we might be interested in testifying before the committee. That was on three days' notice." That witness had not read the 217-page statute.

The issue of limits on political financing gave rise to significant and sometimes heated debate in committee. Ultimately, the majority of the committee amended the limits to increase allowable amounts. However, some of the witnesses' testimony on this issue left erroneous impressions of the state of the law in Canada and the validity of restrictions on election spending, upon which I would like to briefly comment.

In the course of the committee's deliberations, a number of witnesses raised the spectre of a constitutional challenge to the political financing provisions of the bill. One witness even maintained that his organization had obtained a legal opinion to the effect that the political financing reforms would likely not survive a constitutional challenge.

Another witness made the argument even more explicitly. In particular, this witness argued that the prohibition against all corporate and union contributions to political campaigns would likely breach section 2(b) and possibly section 3 of the Canadian Charter of Rights and Freedoms. This witness relied on a number of judgments of the Supreme Court of Canada, including the judgments in the *RJR-MacDonald* and *Harper* cases, as well as a recent judgment of the Superior Court of Justice in Ontario on public financing of political parties, namely, the *Longley* judgment.

The suggestion has been made that because the Supreme Court of Canada struck down government legislation proposing a complete ban on tobacco products that it would be even more inclined to strike down prohibitions where democratic rights such as freedom of expression were implicated. This argument suffers from many flaws, not the least of which is that in the

RJR-MacDonald judgment, the court went to great pains to point out that the complete prohibition on tobacco advertising could not be upheld because the government at the time did not tender any evidence that a complete prohibition was necessary to achieve its important objective. The government tendered no evidence that a partial prohibition would have been less effective than a complete one.

I raised this problem in committee with two of the witnesses who appeared before us. The corporate and union prohibition on political financing in Bill C-2 are an integral part of the anti-corruption measures in the legislation. They are the government's measured and direct response to a legitimate public concern about the effect of money in the political process and the abuses in political financing.

The evidence before the committee of a need for a complete ban on corporate and union contributions is compelling. One need look no further than the Gomery Commission of Inquiry into the sponsorship scandal. In the course of the commission's proceeding, it heard disturbing evidence of abuses in the political financing process. The public was shocked to learn of money being passed around in brown paper envelopes, of companies paying the salaries of volunteers for campaigns of Liberal Party members, and other practices that undermine the integrity of the electoral process and shake the public's confidence in the political process.

• (1420)

This bill seeks to do precisely that: restore the public's confidence in the electoral process. I cannot stress enough the importance of this objective, and I am guided by the words of Justice Bastarache in the judgment of the Supreme Court of Canada in the *Harper* case. At paragraph 103, he said:

Maintaining confidence in the electoral process is essential to preserve the integrity of the electoral system which is the cornerstone of Canadian democracy.... If Canadians lack confidence in the electoral system, they will be discouraged from participating in a meaningful way in the electoral process. More importantly, they will lack faith in their elected representatives. Confidence in the electoral process is, therefore, a pressing and substantial objective.

The bans on corporate and union contributions are similar to the bans in place in a number of provinces, including Manitoba and Quebec. In those provinces, the government, too, was responding to serious concerns about corrupt practices in the financing of political campaigns. These provinces have had legislation in place for a number of years, and there is obviously broad public acceptance of these measures. In any event, no legal challenges have been brought against them.

Much has also been made of the recent decision of Mr. Justice Matlow of the Superior Court of Justice of Ontario in *Longley v. Canada*, which declared unconstitutional parts of the election finance provision of the Canada Elections Act. I would observe that that judgment dealt with the provisions of the act that grant political parties public funding by means of an allowance for every vote received if the parties meet the threshold of 2 per cent of the total votes cast, or 5 per cent of the votes cast in the riding in which the parties endorsed candidates.

Justice Matlow concluded that this provision acted as a barrier to smaller parties participating in the political process by making voters unaware of their platforms and policies. As important as this case may be for smaller parties, it is clearly not relevant to the question of whether reductions and prohibitions on political contributions are constitutional. Clearly, Justice Matlow's decision dealt with the lack of availability of public funding to small political parties. It did not deal with contribution limits on political campaigns. In other words, it was not a limits case. I note in passing that the decision has opened up an important source of political financing for smaller political parties in Canada.

Another of the government's important objectives in banning corporate and union contributions is to level the playing field to ensure that opportunities for participation in the political process are not restricted to those with large amounts of money and resources. No one seriously questions the view that those with greater financial resources are able to dominate electoral discourse to the detriment of the smaller ones. This is an observation that was made by our highest court in an important judgment in *Harper* in paragraph 107. In upholding the spending limits on third-party advertising in the Canada Elections Act as a reasonable limit on the right to freedom of expression, the court emphasized that the limits were necessary to preserve the integrity of the political process by ensuring that those with greater financial resources did not dominate the political process unchecked.

Bill C-2 is entirely consistent with the principles laid down by our highest courts. It seeks to achieve a level playing field and to restore the public's confidence in the political process. Honourable senators, I am confident that the political financing reforms in the bill are in fact based on sound legal principles.

Momentum toward reform of the over 20-year-old Access to Information Act, ATIA, has been building for many years in Canada. During our study of Bill C-2, the committee heard compelling evidence of the need for even more reform. Many in the access to information community expected this to come into fruition with Bill C-2, the federal accountability bill. However, although the bill contains significant amendments to that act, they were relatively narrow rather than the comprehensive package of amendments to the legislation that many had hoped for.

Consideration of how best to amend the ATIA began two decades ago with the House of Commons reports in 1987 and 2001 and several private member's bills. In August 2000, the President of the Treasury Board and the Minister of Justice established a government access to information task force to review all components of the access to information framework. In June of 2002, the task force released a report containing 139 recommendations for change. In October 2002, the Information Commissioner of Canada tabled a special report to Parliament responding to the task force report and outlining its proposals for legislative change.

In April of 2005, the Minister of Justice introduced a discussion paper entitled "A Comprehensive Framework for Access to Information Reform," seeking consideration by the House of Commons Standing Committee on access to information, privacy and ethics on a range of policy questions related to potential reform of the ATIA. That committee expressed its preference for draft legislation as a basis for its study and asked the Information

Commissioner of Canada to draft an access reform bill. The commissioner did that and presented the draft bill, entitled "Open Government Act" on October 25, 2005. A number of the Information Commissioner's recommendations for change were endorsed by the Gomery Commission in Chapter 10 of its Phase II report called "Restoring Accountability."

Several witnesses who appeared before our Senate committee, in addition to commenting on the provisions of Bill C-2, urged the committee to recommend to the government that comprehensive reform be made. While Bill C-2 moves some distance toward greater access, and some amendments to the Access to Information Act have already been made by the committee, like many other senators I look forward to further and more comprehensive access to information reform in the near future.

When discussing the concept of accountability, it is very important not to lose sight of the very important role of Parliament in this matter. One of the fundamental functions of Parliament in the Westminster system is to hold the government to account. The government sets its policy direction, proposes legislation and presents expenditure plans to Parliament for debate and approval, but it is the role of Parliament to carefully scrutinize the actions of government by questioning ministers and their officials.

One important means of doing this is through committees of the Senate and the House of Commons. In other words, careful and rigorous study of government spending and program activity by parliamentary committees is a key means of public accountability, and effective accountability relies upon the effective functioning of parliamentary committees.

Bill C-2 aims to improve the accountability of government and contains numerous worthwhile measures to do so. However, the ability of parliamentary committees to hold government to account is significantly strained by the lack of capacity. Government departments are large and complex organizations and parliamentarians and parliamentary committees cannot compete with the almost unlimited resources of the government and the unwillingness of some departments to provide meaningful information to Parliament. Analyzing government information so that it will be useful to Parliament is key, and committees lack the analytical and research capacity to deal with the vast amounts of material.

One of the mechanisms of the proposed legislation to improve accountability is to create the position of the accounting officer whereby deputy ministers will be accountable before the appropriate committees of the Senate and the House of Commons for proper administration of their departments. With this new role for deputy ministers, new opportunities for parliamentary scrutiny will arise.

• (1430)

However, to take full advantage of these important reforms, parliamentary committees will need additional capacity to hold deputy ministers, who are often supported by hundreds of staff, to account. In order to undertake investigations of management and accountability issues, it is essential that parliamentary committees have access to adequate research capacity and the assistance and advice of experts.

The need for additional capacity is especially clear during the estimates process, whereby the government submits its spending plans to Parliament for review. In theory, this is a key means for Parliament to control the public purse and ensure accountability for prudent use of public funds. However, Parliament has long recognized that the estimates do not receive adequate review by parliamentary committees. This is in part because committees are not equipped to digest the extensive estimates documents sent to Parliament, much less investigate public administration matters in a deep and sustained manner.

In this regard, Mr. Justice John Gomery, in his review of the Sponsorship Program, recommended that:

To redress the imbalance between resources available to the Government and those available to parliamentary Committees and their members, the Government should substantially increase funding for parliamentary Committees.

Bill C-2 makes a significant step in this direction, with the creation of the parliamentary budget officer within the Library of Parliament. This new officer and the necessary expert staff will enhance the research support on economic and financial matters for the study of estimates. However, the scope of this measure is narrower than the full needs of our parliamentary committees. The effort to improve accountability embodied in this legislation will be incomplete if the key institution of public accountability, Parliament, continues to have inadequate capacity to fully hold the government and its senior officials to account.

It is of the utmost importance that more resources be provided to committees of the Senate and of the House of Commons so that they can more effectively hold the government to account. The creation of the parliamentary budget officer is a good first step, but more is needed.

In addition to greater capacity there are a number of other ways to make parliamentary committees more effective, and many of these are within the control of parliamentarians themselves. Some committees — and this is much more an issue of the other place than here in the Senate — have a high turnover of membership, including that of the chair. This undermines committee focus, corporate memory, trust and cooperation between committee members. There is also a lack of continuity in the questioning of ministers and officials, which could be more focused and systematic. Committee time could be better allocated to permit sustained, in-depth questioning. In order to avoid becoming enmeshed in partisan debates, committees could increase the attention they give to deputy ministers and other senior officials in comparison to that given to ministers. Ground rules could be established for the questioning of officials in order to distinguish between the accountability of ministers and senior public servants.

In short, I believe that a number of measures should be considered by the Senate and the House of Commons regarding the effective functioning of parliamentary committees. There is work for us to do in the Senate so that senators are better able to provide sober second thought, and particularly the kind of detailed and careful study that is possible in a well-functioning committee. Therefore, I call on the Senate and the House of Commons to take action as well to increase the effectiveness of committees, and thus improve government accountability.

Again, as chair, I would like to share with honourable senators my observation that the Senate must examine certain aspects of Senate procedure which we exposed during this experience. Another of my concerns relates to the Senate committee practice of issuing observations.

If, at the end of a study of a bill in committee, the majority of the members of the committee demand that their observations must be issued as a report of the committee, insisting that unless they are adopted by the committee some members will not grant leave to report the bill, are these observations really reflective of the views of the whole committee? If not, then is this how a committee of the Senate should function? Is this shot-gun diplomacy the way that we want our Senate committees to be run?

Honourable senators, I wish to make, in closing, a few comments about the administrative process involved in preparing the committee's report. I want to explain the delay in presenting the report to the Senate. It was ready 12 hours before it was presented, but it was delayed because of an arcane rule, namely, 101.

Here is how the report was prepared: Senate staff kept careful track of motions passed in committee. After the meeting on Tuesday, October 24, the clerk of the committee and his colleague had notes on the committee's decisions to that point, and these were given to a team of assistants in the Committees Directorate who began entering the English and French texts of the amendments dealt with to that point. They were coordinated by their committee clerks. The law clerk's staff was also present to ensure that the report contained all the information necessary to give instructions for amendments.

By two o'clock on Thursday morning the "initial" draft of the committee report on Bill C-2 was ready. The committee clerks, who had been in the committee room during the meetings, reviewed the detailed draft, again in consultation with the law clerk's office.

The "first" report was completed by 7:30 a.m. After a final review by a fresh set of eyes, it went to the printer that morning so that copies were available and ready by the time that the Senate sat.

Why then, you might ask, honourable senators, did we hold off presenting the report until late that evening? It relates to rule 101. That rule states: "Signing of amended bill."

101. The chairman of the committee shall sign or initial a printed copy of the bill on which the amendments are clearly written, and shall also sign or initial the several amendments made and clauses added in committee, which shall be attached to the report.

Here is what was required: The committee clerks, having worked all night, came back to the office, took a copy of the report and, believe it or not, they started to cut up and paste the changes into the bill, drawing little red lines and circles to show what changes were made. When I was first told that I could not believe it, so I went to the Committees Directorate to see it firsthand. I saw three people cutting out the amendments, checking that the cut-out was correct and double-checking as

they went, and then pasting it in and drawing lines and circles. When necessary, extra sheets were taped to the bill to give the space to make the inserts.

Anyone who was here on Monday evening may have noted that when Senator Stratton presented the bill to the table, it was filled with pieces of paper coming out in all directions, and these were the amendments. I am not just talking about 156 numbered elements of the bill. Many of these elements contain more than one alteration of the text of the bill, and each such change had to be cut out and taped in separately, even a change in just a one- or two-letter word. Altogether, in two languages, we are talking about more than 500 separate modifications of the bill.

This, as honourable senators know, was not the report on the bill but something that, under rule 101, must accompany the report when it is filed.

When completed, it was brought to my office and I went through and initialled each modification, and that alone took more than an hour.

I do not know the background or the requirement of this rule, but I encourage the Rules Committee to have a good look at rule 101 and ask: Is such a marked-up copy still required? If so, what purpose does it serve? If required, is it really necessary to table it at the same time as the report of the committee?

Senator Cools: Of course.

Senator Oliver: In conclusion, honourable senators, I wish to adopt the language of Senator Dawson when he spoke in this chamber and referred to something he called the Class of 2005. I, too, would like to congratulate, in particular, Senator Zimmer, whose contribution was professional, learned and thorough throughout the hearings. I congratulate my former colleague Senator Cowan for his objective and professional contribution. I congratulate Senators Campbell, Mitchell and Fox for making meaningful and significant contributions to the important debate.

Even though he was not member of the Class of 2005, I cannot help but add my congratulations and thanks for the many excellent interventions of Senator Baker of Newfoundland and Labrador. Of course, we are all familiar with the old veteran senators on the committee and all that they have contributed.

As chair of the committee, many say that this was the most comprehensive analysis of a government bill by a Senate committee in Canadian history. There are many people who also contributed to our study on this bill, and I would like to thank them. In particular, the committee clerk, who really did a tap dance to keep the committee going, I thank Mr. Gerald Lafrenière very much. Particular thanks go to the Committees Branch and staff; as well as those of the Library of Parliament. I would like to thank honourable senators for their patience and professionalism throughout this stimulating and challenging exercise. We would also like to thank our over 160 witnesses, who were so generous with their time and expertise, and without whom the study would not have been compete.

• (1440)

Honourable senators, it is not often that people in the administration who do extraordinary work have their names read into the record. With leave of the house, I would like to read

the names of the administrative people who did extraordinary work in helping us with this bill. They are as follows:

From the Committees Directorate:

Gérald Lafrenière;
Kelli Hogan;
Till Heyde; and

The Committee's Administrative Assistant:

Nicole Bédard; and

Others who were of significant help:

Catherine Piccinin;
Colette Charlebois;
Adam Thompson;
Monique Régimbald;
Mirella Agostini;
Lyne Héroux; and

Others who assisted:

Mireille Aubé;
Katie Castleton;
Debbie Larocque;
Louise Archambeault; and

From the Law Clerk's Office:

Michel Patrice;

A legislative drafter working with the Office of the Law Clerk:

Janice Tokar; and

From the Library of Parliament:

Katherine Kirkwood;
Kristen Douglas, who was exceptionally helpful;
Nancy Holmes;
Elise Hurtubise-Loranger;
Wade Riordan Raaflaub;
Sebastian Spano;
Margaret Young;
Alex Smith;
Tara Gray;
Philippe Le Goff.

That, honourable senators, concludes my remarks on Bill C-2.

Hon. Lowell Murray: Would the honourable senator permit a question?

Senator Oliver: I would, but I know that Senator Day wants to speak to the bill. He is entitled to 45 minutes and I know that there are certain time constraints. I would prefer not to impose on his time any more than necessary so I would decline the honourable senator's question right now.

Hon. Anne C. Cools: Honourable senators, I, too, wanted to ask a question. I do not understand the phenomenon. The Honourable Senator Oliver is speaking for the government, and he should answer.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, may I make a suggestion?

Senator Cools: Is it on accountability?

Senator Comeau: We want to ensure that Senator Day receives the time to which he is entitled. Perhaps at the end of Senator Day's remarks — at the end of 45 minutes — there might be a few minutes for both senators to answer questions.

Senator Cools: The point is that the Order Paper was moved past, so Senator Oliver will not be able to answer any questions at that time.

The Hon. the Speaker: Honourable senators, about one minute is left in Senator Oliver's 45 minutes. It is a time for questions and comments. We have had an indication that there is no question that will be entertained by Senator Oliver but comments will be very much in order. There is one minute left.

Senator Murray: Certainly, I can make a comment in one minute. I note in passing that the sponsor of the bill and the chairman of the Legal Committee are one and the same person, a situation that is not unprecedented but certainly unusual. If Mr. Diefenbaker were here, he would want to know whether the honourable senator had been able to bifurcate himself, but I will not pursue that.

On the discussion of increased power given to the Auditor General, I want to remark that in my reading of her testimony at the committee, she said with respect to the new power that is being given to her to audit recipients of government grants and contributions that it is a power she did not seek, does not need, does not want and does not intend to exercise. I wonder why the government — and indeed the committee — persisted?

Hon. Joseph A. Day: Honourable senators, permit me to begin my remarks by echoing thanks to all of the support staff who helped in relation to Bill C-2 throughout the three readings and the report stage. Senator Oliver has read the names, and we on this side support that acknowledgement. One of his comments indicated that they worked all night to prepare the documents and then the difficulty faced with respect to rule 101. Certainly, this place should take a look at a rule that does not add much to help honourable senators understand the process and what has gone on in committee but does bog the system down unnecessarily.

I would like to thank each honourable senator who has risen to speak to Bill C-2, the proposed Federal Accountability Act. Debate in this chamber has been rich. I believe that it has contributed to a greater understanding amongst all honourable senators of the potential impact of this enormous piece of proposed legislation.

I do not intend at third reading to discuss in detail the amendments to Bill C-2 proposed by the Legal Committee. I did so when I spoke at the report stage. The committee's report and the speeches delivered by honourable senators who participated in the committee in the days previous has succeeded in doing just that. I wish to thank all honourable senators for accepting the committee's report in its entirety, including the nearly

50 amendments proposed by the government, 100 amendments by the committee, and the committee's observations.

I would like to focus on the broader aspects of this proposed legislation and some of the challenges that we faced, and the challenges faced by the Standing Senate Committee on Legal and Constitutional Affairs during the study of this bill. That is not an easy task with respect to Bill C-2. To borrow from a well-known expression, we have been amongst the trees of this Bill C-2 legislation for so long that it is difficult to stand back and view the forest. Let me attempt to do so.

Let us stand back and look at what prompted Bill C-2. To begin, I would like to quote from Mr. Justice Gomery's report. He said:

The vast majority of public servants try, in good faith, to do their job properly and effectively, and the Canadian government system consists of solid political institutions with a long and distinguished history of public service. The Sponsorship Program involved only a tiny proportion of the annual expenditures of the government. Its mishandling was an aberration. The majority of the expenditures of the federal government are well handled, and citizens usually get value for money from them...

He continued:

It is not the Commission's intention to recommend radical solutions, a transformation of our parliamentary system, or a complete overhaul of the doctrine of ministerial responsibility. Rather, we propose to clarify that concept and, where mismanagement has occurred, to strengthen the capacity of those charged with holding people to account to do their job.

I repeat: "— to strengthen the capacity of those charged with holding people to account to do their job."

The Federal Accountability bill, as provided to the Senate, was not good legislation. The government often has bragged that Bill C-2 was drafted in just six weeks after the election. This was before cabinet was fully established. This was while new MPs were wondering where their offices were and were hiring staff. The bill would have to have been directed by an unelected transition team or a team of campaign workers of the Conservative government.

The committee heard testimony time and time again from officers of Parliament, who are there to support parliamentarians and to hold the government to account, and who are directly affected by Bill C-2, that they were not consulted by the government before this proposed legislation came forward. John Reid, Information Commissioner, was not consulted. Dr. Bernard Shapiro, Ethics Commissioner, was not consulted. Jennifer Stoddart, Privacy Commissioner, was not consulted. In her appearance before the committee, Ms. Stoddart expressed her frustration when she said:

We were not consulted and we did not see the text. Generally speaking, we are consulted for certain bills that could have an impact on privacy but, in this case, we were not consulted and we did not see the draft of the bill.

• (1450)

The following words were delivered by Arthur Kroeger, a person who was just quoted by Honourable Senator Oliver. During his appearance before our committee, Mr. Kroeger expressed his concerns with the way in which the bill was drafted. He said:

If the legislation had been written by a government with more experience in office, it may not have some items in it that it does...There is the other problem that some of the contents of legislation were, I think, developed during an election campaign, and there is always a risk of a bit of overkill for the sake of achieving a public effect during an electoral contest...

In the other place, second reading debate on Bill C-2 began on April 25 and ended two days later, on April 27. Following second reading, the bill was referred to the House of Commons Legislative Committee on Bill C-2, where the committee held hearings between May 3 and June 6.

Witnesses in the other place were given very little time to present their positions. As a result, we were informed that some potential witnesses refused to participate in the charade. In addition, report stage debate and third reading in the other place took one day.

Senator Mercer: One day. One day.

Senator Day: Is that, honourable senators, responsibility?

Some Hon. Senators: No!

Senator Day: Is that accountability?

Senator Mercer: No, not accountable.

Senator Day: Honourable senators, there has been a lot of rhetoric about Bill C-2, and expectations of the public have been raised. However, honourable senators, the federal accountability act, Bill C-2, will not have the impact that the federal government and Minister Baird suggest it will have.

To quote again from Justice Gomery more recently in a CBC interview:

If the proposed legislation is intended to prevent another AdScam, it is beyond comprehension why the Conservative bill ignores virtually all of the recommendations of his inquiry.

Sharon Sutherland, Professor of Public Studies at the University of Ottawa, appeared before our committee to speak, among other things, about the tone in which Bill C-2 was drafted. She said:

Insofar as the bill creates a mood, there is a theme of punishment, of new crimes or crimes relocated from one statute to another, or repeated in statutes, or summary convictions, or of naming, blaming and shaming.

I read this quote because I feel that the reference to "naming, blaming and shaming" is very telling of the current culture prevailing in this new young government. We need to evolve from this culture of distrust to a culture of honesty and respect.

Probably the most serious underlying issue of Bill C-2 relates to the trust of the Canadian people. The public puts its trust in this chamber and in the other place to make decisions after a thorough study and debate. Without this trust, the entire parliamentary system is endangered.

As I stated in this chamber on report stage debate, the notions of true accountability and transparency in government are of the utmost importance. We all support those objectives.

This week in this chamber, we heard honourable senators add to this culture of distrust by suggesting that the lengthy study of Bill C-2 was part of an overall plan by the Liberal party to stall this bill for political gain.

Senator Mercer: Nonsense!

Senator Day: In an effort to prove his point, one honourable senator depicted an elaborate scheme of dishonesty and delay. The honourable senator's accusations are baseless, and they are insulting to each honourable senator who took part in the study of this important bill.

The practice of attempting to achieve political gain by questioning the goodwill and trustworthiness of a political opponent, a parliamentary committee or a political party is counterproductive and simply wrong-minded.

Senator Tkachuk: You would never do that.

Senator Day: Unfortunately, I feel that this practice is occurring more frequently than ever before.

Senator Tkachuk: Yes, it sure is.

Senator Day: Often throughout our committee's study on Bill C-2, allegations were voiced to the media by the Prime Minister and members of his cabinet and even some honourable members of this chamber, which suggested that our intentions were less than honest. Accusations of stall and delay were frequent but were completely without merit.

By attempting to discredit the product and the work that was being completed by our committee, by discrediting the process, the government has potentially weakened the public's perception of all politicians. This does not serve Canada well, and it does not serve the Canadian people well.

In the later stages of our committee's study of this bill, we had the opportunity to hear testimony from one of Canada's most colourful and well-respected members of the Privy Council, the Honourable Eugene Whelan. Mr. Whelan requested an appearance before the committee to discuss the public appointments process. For the purpose of this speech today, I would like to refer to a statement he made regarding public trust. He said:

Today, there is a very wide feeling in our country, Canada, that there is no accountability and, therefore, no credibility. In turn, no one trusts anyone, especially those in government and the elected politicians. We are listed at the bottom of the totem pole. Why? Are we, the politicians, really that bad?

As I listened to the news reports and read publications from across the country, I find myself pondering the same question: Are politicians in Canada really that bad? My answer continues to be the same: No, we are not.

To conclude his argument regarding the current climate of distrust, Mr. Whelan stated the following:

This old politician has been around a long time and has seen a big part of our world. If there is a better life, a better administered country anywhere that is better than Canada, I want you to tell me, because I am an average Canadian and I want the very best. If there is a better country, show me the way and I will go there.

Well, Mr. Whelan, I do not believe there is a better country or a better way. Canada is a world leader in human and civil rights. We, as Canadians, are respected for our good governance, our respect for the rule of law, and our enormous potential as a fiscally accountable and dependable trading partner.

This is not to say that in a country like ours we cannot grow stronger with the help of good legislation. We can, and if honourable senators in this chamber accept Bill C-2 as it has now been amended, I feel that its significant improvements will have been made.

The other major challenge facing the committee during the study of Bill C-2 is linked closely to the climate of distrust to which I have just referred. Throughout this study, honourable senators, the role and the relevance of the Senate itself has been called into question by the Prime Minister and members of his cabinet. As an expression of the Prime Minister's frustration and disappointment with the amendments that were proposed to Bill C-2, Mr. Harper stated, "The behaviour of the Liberal party is arrogant and anti-democratic. That's really the problem. They haven't accepted the decision of the electorate."

I suggest to Mr. Harper that he has not understood the important role of a bicameral system.

In conjunction with these statements, the President of the Treasury Board, the Honourable John Baird, called a news conference with the sole purpose of denouncing the work of the Senate — not in analyzing the amendments, but denouncing generally the process.

• (1500)

I quote Mr. John Baird, "We have got to go over the heads of the backroom boys in the Liberal Party and speak to Canadians directly to get this bill passed."

Honourable senators, I find these statements quite astounding. The electorate granted the Conservative Party of Canada a minority government. Canadians want and expect our political parties to work together. Throughout the study of Bill C-2, the government has resorted to bullying and bad-mouthing instead of acting as a responsible and effective minority government.

I would also like to comment on Senator Nolin's speech at report stage. Senator Nolin was a participant in the study of Bill C-2, and he demands respect for his 13 years of experience on

the Standing Senate Committee on Legal and Constitutional Affairs. Despite this experience, I have great difficulty with my colleague's suggestion that our committee ignored its duty of restraint. It is the responsibility of a Senate committee to scrutinize legislation which has been referred to it.

Due to the size of Bill C-2 and the speed with which it was drafted, the committee's scrutiny resulted in a large number of amendments by the opposition, as well as a large number of amendments, indeed, by the government itself. The reason for the large number is that many of these amendments were consequential. However, it was impossible for our committee to ignore the overwhelming amount of testimony received that deeply criticized many aspects of this bill. That testimony is part of the public record.

I urge those of you who have difficulty with respect to a specific amendment or who wonder why we did not go further in certain areas to refer to the testimony. I would also urge the committee's critics and the critics of the Senate, generally, to read the committee's observations. On several issues, committee members decided to write a critical observation about concerns which had been raised during testimony rather than to propose an amendment. That was an exercise in our duty of restraint, I would say to the Honourable Senator Nolin.

If the Senate is to remain, as it has been since Confederation, a valuable component in the parliamentary system, it must act independently and it must be able to act independently. If the Senate has concluded through testimony and rigorous debate that the administration of the day has acted against the best interests of the Canadian people, then it is the responsibility of senators to make amendments to that proposed legislation.

Honourable senators, I said I was not going to deal with the amendments that you have already voted on, but there are several others that you will be called upon to vote. I would like to look at those briefly. If honourable senators look at their Order Paper, they will see the listing of amendments which have been proposed.

The first list of amendments begins at the paragraph out to the left margin where honourable senators will see the motion in amendment of the Honourable Senator Mercer.

Senator Mercer's amendments all appear on page 3. All of these, honourable senators, relate to the provision for the creation of a director of public prosecutions. Senator Mercer has spoken on this issue. I can tell honourable senators, and a number of honourable senators have already told colleagues, that when we went into these hearings, we felt that the director of public prosecutions provisions were unnecessary. That was the mindset that we had going into the hearing. However, we heard from Antonio Lamer, who said that the concept was a good one. We heard from a former assistant deputy minister who was himself a director of public prosecutions and then became deputy minister. We heard from the Association of Trial Lawyers, and they said that the concept is a good one. They all pointed out that the most important aspect of this concept is that there must not be the possibility for partisan political interference with this extremely important position.

We decided that, based on the testimony, we would accept the concept. It is not a new concept; it exists in three provinces and in a number of jurisdictions. We saw one provision in that particular area of Bill C-2 that provided potentially for the Attorney General to have the opportunity for political interference. We made an amendment to ensure that the position was created objectively and not from a list of names that were given by the Attorney General.

Honourable senators, with all due respect to Senator Mercer, I am asking you to defeat his group of proposed amendments in which he would propose to delete the director of public prosecutions. I am asking you to accept the concept proposed by the government with the amendments which we have already made and voted on.

Senator Murray has four in his list of groups of amendments, and they start at page 4 and run over to the top of page 7. I congratulate Senator Murray the hard work, but I regret to say I am not able to support the honourable senator's amendments.

Senator Murray's first grouping of amendments is public appointments. It is important for honourable senators to understand that the director of public appointments will make no appointments. The job of the director of public appointments is to ensure that each ministry has set up an objective means of coming up with names for potential appointments. He or she and the group will go to each ministry and ensure that a set of rules are in place. Many ministries have sets of rules in place now, and many do not. The role of the director of public appointments is to ensure that there is some objective standard. It sounds like a reasonable concept, and we are prepared to support the concept proposed by the government and, therefore, not to support the proposal to remove that concept from Bill C-2, as proposed by Senator Murray.

The next group of proposed amendments relates to political financing. As I understand Senator Murray's comments from yesterday, he would like to return to the status quo. That is tempting to support, but we decided, following the duty of constraint, to make a strong statement in our observations but to support the government's position, in large part, in relation to political financing. We felt that it made logical sense that the regulations in relation to political financing come into play at the beginning of a donation year, namely, January 1. I fully expect that the government will be accepting all of our amendments, that this bill will be proclaimed and that it will be on January 1, 2007 that this will come into force.

We will not support, with all due respect to the Honourable Senator Murray, those amendments.

With respect to the increase from \$1,000 to \$2,000, so that everyone is clear, convention expenses are included as political donations because \$1,000 was chosen on the concept and mistaken belief that they were not included. Now that they are included, the number must be increased to include those as well. That is really the only major change that we made.

• (1510)

The next bundle of amendments appears at page 5 of the Order Paper, regarding the director of public prosecutions. I have already spoken on that subject with respect to Senator

Mercer. I will not be supporting it. I am not speaking for the other members of our committee, certainly, but I can tell honourable senators that all of the points that have been brought forward in these amendments were debated and considered at length. We came up with a balance, making some amendments that we felt absolutely had to be made, and including observations that were a critical part of the report for that reason. When we were getting no support from the government side with respect to what we were doing, and in fact were being criticized, it was awfully tempting to go the way of these amendments. However, we did not do that, in the interests of this institution.

The final grouping from Senator Murray involves access to information. In this particular instance, we again debated the concept at length. It is my view that it was important to expand the base of those subject to access to information now, and in fact we expanded the base further in amendment. That is an important aspect of access to information. It is an important facility for Canadians to have this legislation. As long as certain protections are put in place for foundations that are dealing with the private sector, which we have ensured in our amendments, then it seemed more logical to go ahead with the amendments rather than, as has been suggested, to take them all out of Bill C-2 and wait for the review in the House of Commons. The Information Commissioner recommended that that happen, but we were not convinced that we should do so. Therefore, I will not be able to support that bundle of amendments.

The next amendment is a single amendment on page 7 of the Order Paper. It was presented by the Honourable Senator Milne. I was not convinced initially that it was necessary, but there was some concern by the Information Commissioner that the wording in the amendment that we had proposed for the public interest override, that items of national security would not need to be produced under the access to information request, went beyond that section.

To avoid any likelihood that this will be challenged in a court system later on — and that is one of our roles, to try to clarify where we can to avoid court processes and court-made law and judge-made law — we are asking honourable senators to support this amendment to add the words "under this section."

Honourable senators, the next amendment was presented by Senator Andreychuk. We had an interesting debate with respect to what is and what is not a technical amendment. Time does not permit me to analyze this particular matter further, other than to say that this is not the same wording as the amendment that was presented during clause-by-clause consideration. The most important aspect of it is that there was a reference to section 64, which we intended to remove and have removed, but there is also a reference to section 20 and section 31, which in effect said that you can be a senator or a member of the House of Commons and do everything they do except subject to section 20 and section 31, which we felt went to the core of parliamentary privilege. You either can or cannot exercise your parliamentary privilege, and no former senior public office-holder, such as Senator Murray, Senator Carstairs or Senator Fairbairn, can act as a senator. You do not want to be a second-class senator and be subject to two sections of the bill.

With that qualifier removed, we are pleased to support Senator Andreychuk's amendment.

Finally, honourable senators, with respect to the amendments that we will be called upon to consider and vote upon at four o'clock, we have Honourable Senator Nolin's grouping. He explained that well yesterday. It is a question that we debated at the committee. It is a question of whether the proper reference is to a "code pratique" or a "code de pratique," and he has recommended the amendment in the French provisions to call the code a "code de pratique." We accept his amendment.

Honourable senators, today the Senate is under unprecedented scrutiny. The Conservative government has expressed a desire to reform this chamber in a number of ways. I believe that the Senate must be willing to adapt, but it must not abdicate its responsibility.

It would have been easy during our study of Bill C-2 to succumb to the political pressure. We could have treated the study of this bill as it was treated in the other place, but if we had done so we would have fallen into the hands of those who criticize us.

I do not expect that the debate over the role and the relevance of the Senate will conclude in the near future. It is for this reason that we must be more vigilant and more effective in our work than ever before. Our committees must not be deterred by the media or politicians in the other place who are intent on discrediting this institution. Public opinion will be won as long as we continue to perform our duties as a responsible chamber of sober second thought.

Joanna Gualtieri, Director of the Federal Accountability Initiative for Reform, a well-known whistle-blower and former External Affairs employee who saved the federal government millions of dollars, by their own admission, appeared before our committee to express her thoughts regarding this legislation and to speak of the important role of the Senate. Let me quote from her testimony:

We genuinely believe that the Senate's finest hour will be found in being proponents of accountability. That will be done by getting back to the drawing board and doing this right.

With the work that we have done, this legislation is now, in my respectful view, honourable senators, in a form that the government can accept. There are no amendments that we have made that fundamentally alter the stated policy initiatives of this legislation. Whether this Conservative government is interested in accepting this bill as amended will depend on its true purpose for the legislation. Does the government seek better policy?

Senator Segal: Yes!

Senator Day: I am sorry I only heard from one person over there.

Or is it only interested in the politics? Honourable senators, we will soon know.

In any event, we in this chamber can be proud of our work. We have been given poor legislation and we have improved upon it. We have been invited time after time to let the debate deteriorate into a political squabble, but we have resisted. We have risen to

the occasion by doing what the Senate of Canada does best: study, understand and, where warranted, improve the legislation.

• (1520)

Whatever comes of this bill, we in this chamber can be content that we do have a significant role to play. This bill, more than most, has allowed us to demonstrate that important role. This indeed, honourable senators, has been one of our finest hours, and I congratulate you all.

Some Hon. Senators: Hear, hear.

Senator Murray: Will the honourable senator take a question?

Senator Day: If time permits, I would be pleased to attempt to answer the honourable senator's question.

Senator Murray: Honourable senators, I was not present for the committee hearings, and I may have missed some of the flavour or forcefulness of the testimony by simply reading the printed transcript. However, I must say with regard to the proposed director of public prosecutions and the testimony referring to that, my reading of it was that it was faint praise indeed and of the nature of, "Well, it cannot do any harm, and another set of eyes will be useful," and that kind of thing.

However, the question that I want to ask the honourable senator is whether he would not agree that, in addition to what he regards as the favourable testimony from the witnesses whose names he mentioned, there was, on the other side, also testimony by experienced people wondering aloud whether the position was necessary and, indeed, suggesting — fairly strongly, I thought — that it was not necessary.

I have one other question, and it has to do with the public appointments commission. My amendment would leave it to the government, to the Prime Minister, if they want to go ahead with something like this, recognizing that it is purely cosmetic, and I would leave Parliament out of it. Would the honourable senator not feel better, as I would, if the Prime Minister would content himself with consulting Senator LeBreton and Senator Downe, who together have more experience in patronage appointments than anyone in the modern history of Canada?

Senator Day: I will deal with the latter question first, and then I will deal with the substantive one after that.

The appointments side of things was debated in this chamber between the honourable senator and Senator Hays yesterday, and the amendment that the committee proposed was brought to his attention. That was our compromise. We felt it was important to be inclusive, and we felt that that was a reasonable provision to put into the director of appointments.

Senator Murray: I think that discussion yesterday was about the budgetary officer.

Senator Day: The director of appointments — and I mentioned this when I was going through the analysis of the honourable senator's various amendments — is not someone who is making the appointments. I think it is important for all honourable senators to understand that. The concept is to ensure that the ministries have set in place an appointments process that meets

minimum standards. That seems to me to be a reasonable approach. The appointments will still take place by the ministry in the normal way that you are quite familiar with.

With respect to the director of public prosecutions, I indicated that that was not an easy one for us. The honourable senator is quite right: There was other testimony that suggested that maybe this was not necessary, and that some of the endorsement was not awfully strong. However, some of the endorsement was strong. When the former Chief Justice of Canada, Antonio Lamer, is sitting before you and says that this concept is all right and that it will do no harm and could well do some good, what do we say?

Senator LeBreton: We say: "Yes, sir."

Senator Day: The practitioners, the Association of Criminal Lawyers, were much stronger in support of the concept. These are the people who work in this business every day, and they endorsed the concept. We had a preponderance of evidence in support of the concept, so we tried to make it as good as we could with the tools that we had.

Hon. Terry M. Mercer: Would the honourable senator permit a few other questions? I wanted to direct this question to Senator Oliver, but that time has passed.

Senator Oliver and Senator Day both referred several times to Mr. Justice Gomery's report. Senator Oliver said that this bill was to fulfill Justice Gomery's report. Can Senator Day perhaps enlighten us as to what Justice Gomery actually said about this bill as it related to his report?

Senator Day: I hate to be answering questions on behalf of Senator Oliver. I will tell the honourable senator that, during my remarks, I indicated that as recently as two weeks ago, Mr. Justice Gomery said that this particular bill is in no way reflective of his report or his recommendations.

Senator Mercer: Thank you very much. That is exactly what I thought he said.

In Senator Oliver's speech, and in speeches by others as well, there is a reference to ministerial responsibility. Ministerial responsibility is an important thing. If we accept that concept, would it be the honourable senator's interpretation that ministerial responsibility would extend to the Leader of the Government in the Senate as a minister of the Crown? Would she, in this case Senator LeBreton, be responsible for her ministry, which means responsible for her staff and perhaps for the actions of her staff?

Senator Day: I think that is probably a question that would better be posed to other people at another time.

Hon. A. Raynell Andreychuk: Senator Day, in his initial remarks, did in fact thank the Senate for adopting the report of the Standing Senate Committee on Legal and Constitutional Affairs, along with all of the amendments. I think he also said, "And the observations." As we have been discussing for several days, observations do not form part of the report and are not brought forward here for acceptance by the committee. They are attached after the signature of the chair and therefore do not form

part of the report. In essence, this Senate adopted the report and the amendments. Would I be correct in my interpretation?

Senator Day: I know that the honourable senator has an inquiry on that very subject, and I am sure that there will be an interesting debate with diverging points of view on that very issue. I spoke during the committee hearings, and I referred to the observations as being a critical part of our report when we had Minister Baird before us. He undertook to pay close attention not only to the amendments but also to the observations. The practical effect of whether they are before or after the amendments is not as critical as the fact that they will be given due consideration.

Senator Andreychuk: That may be in the honourable senator's dialogue with the minister, but for the conduct of this Senate, which I think is important, and to maintain the integrity of this chamber, would you not agree that they do not form part of the report?

• (1530)

Senator Day: It is my understanding that the report includes the bill as amended with attached observations.

The Hon. the Speaker: Honourable senators, it being 3:30, pursuant to the order adopted by the Senate on November 7, I must interrupt the proceedings for the purpose of putting all questions necessary to dispose of third reading of Bill C-2.

Senator Comeau: Honourable senators, we have a series of amendments before the Senate. If some are adopted there could be consequences on other amendments that have been proposed. I have consulted with the opposition and we agreed to seek the guidance of the chair as to how best to dispose of the amendments.

The Hon. the Speaker: Honourable senators, in order to facilitate and simplify the process of voting without distorting in any way the results, we could dispose of the amendments or groups of amendments in the order they were presented. This can be done because there are no conflicts in the amendments that have been proposed except in one case. In addition, there are two cases where amendments overlap others involving the deletion of clauses. Regardless of the outcome, we could proceed with the votes without any procedural difficulties, in the opinion of the chair.

Before amendments are presented, I will advise the Senate of any consequences the adoption of any previous amendments will have made on it so that we can act accordingly. Packages with amendments proposed by senators have been prepared with the assistance of the table and are now being distributed.

With that, honourable senators, we will now proceed with the putting of the questions.

The first question is the motion in amendment proposed by the Honourable Senator Mercer.

Honourable senators, is it your pleasure to adopt the motion in amendment?

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

The Hon. the Speaker: Will those in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. There is a 30-minute bell unless it is agreed otherwise.

For the information of the house, should there be other standing votes there will be no bell. We shall therefore proceed with the vote at five minutes past four.

• (1600)

The sitting of the Senate was resumed.

Motion in amendment of Senator Mercer negated on the following division:

YEAS THE HONOURABLE SENATORS

Atkins	Mercer
Cools	Moore
Downe	Murray
Eggleton	Peterson
Furey	Rivest—11
Hervieux-Payette	

NAYS THE HONOURABLE SENATORS

Andreychuk	Kenny
Angus	Keon
Austin	LeBreton
Bacon	Losier-Cool
Banks	Mahovlich
Bryden	Milne
Champagne	Mitchell
Chaput	Munson
Comeau	Nancy Ruth
Cook	Nolin
Corbin	Oliver
Cordy	Phalen
Dawson	Poy
Day	Prud'homme
Di Nino	Robichaud
Dyck	Segal
Eyton	Sibbeston
Fairbairn	Smith
Fortier	St. Germain
Fox	Stollery
Fraser	Stratton
Goldstein	Tardif
Gustafson	Tkachuk
Harb	Watt
Hays	Zimmer—50

ABSTENTIONS THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: Honourable senators, we will now proceed to the amendments proposed by Senator Murray. As he proposed four separate groups of amendments, we will deal with them separately. The first group deals with the public appointments commission; the second group deals with changes to the Canada Elections Act; the third group deals with the director of public prosecutions; and the last group deals with the topic of access to information.

• (1610)

I will now put the question on the first group of amendments, which deals with the public appointments commission.

It was moved by the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended —

Some Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

Motion in amendment No.1 of Senator Murray negated on the following division:

YEAS THE HONOURABLE SENATORS

Atkins	Mercer
Cools	Moore
Downe	Murray—6

NAYS
THE HONOURABLE SENATORS

Andreychuk	Kenny
Angus	Keon
Austin	LeBreton
Bacon	Losier-Cool
Banks	Mahovlich
Bryden	Massicotte
Champagne	Milne
Chaput	Mitchell
Comeau	Munson
Cook	Nancy Ruth
Corbin	Nolin
Cordy	Oliver
Dawson	Peterson
Day	Phalen
Di Nino	Poy
Dyck	Prud'homme
Eggleton	Rivest
Eyton	Robichaud
Fairbairn	Segal
Fortier	Sibbeston
Fox	Smith
Fraser	St. Germain
Furey	Stollery
Goldstein	Stratton
Gustafson	Tardif
Harb	Tkachuk
Hays	Watt
Hervieux-Payette	Zimmer—56

ABSTENTIONS
THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: I will now put the question on the second group of amendments proposed by Senator Murray dealing with changes to the Canada Elections Act.

It was moved by the Honourable Senator Murray, seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended —

Senator Murray: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

Motion in amendment No. 2 of Senator Murray **negated** on the following division:

YEAS
THE HONOURABLE SENATORS

Atkins	Mercer
Austin	Moore
Cools	Murray
Downe	Rivest—8

NAYS
THE HONOURABLE SENATORS

Andreychuk	Kenny
Angus	Keon
Bacon	LeBreton
Banks	Losier-Cool
Bryden	Mahovlich
Champagne	Massicotte
Chaput	Milne
Comeau	Mitchell
Cook	Munson
Corbin	Nancy Ruth
Cordy	Nolin
Dawson	Oliver
Day	Peterson
Di Nino	Phalen
Dyck	Poy
Eggleton	Prud'homme
Eyton	Robichaud
Fairbairn	Sibbeston
Fortier	Smith
Fox	Stollery
Furey	Stratton
Gustafson	Tardif
Harb	Tkachuk
Hays	Watt
Hervieux-Payette	Zimmer—50

ABSTENTIONS
THE HONOURABLE SENATORS

Fraser	Goldstein
Segal—3	

The Hon. the Speaker: I will now put the third group of amendments proposed by Senator Murray dealing with the director of public prosecutions.

It was moved by the Honourable Senator Murray, seconded by Honourable Senator Atkins, that Bill C-2 —

Some Hon. Senators: Dispense.

The Hon. the Speaker: All those in favour of the motion will please signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "nays" have it.

And two honourable senators having risen:

• (1620)

Motion in amendment No. 3 of Senator Murray negated on the following division:

**YEAS
THE HONOURABLE SENATORS**

Atkins	Hervieux-Payette
Cools	Mercer
Downe	Moore
Eggleton	Murray
Furey	Peterson—10

**NAYS
THE HONOURABLE SENATORS**

Andreychuk	Keon
Angus	LeBreton
Austin	Losier-Cool
Bacon	Mahovlich
Banks	Massicotte
Bryden	Milne
Champagne	Mitchell
Chaput	Munson
Comeau	Nancy Ruth
Cook	Nolin
Corbin	Oliver
Cordy	Phalen
Dawson	Poy
Day	Prud'homme
Di Nino	Rivest
Dyck	Robichaud
Eyton	Segal
Fairbairn	Sibbeston
Fortier	Smith
Fox	Stollery
Fraser	Stratton
Goldstein	Tardif
Gustafson	Tkachuk
Harb	Watt
Hays	Zimmer—51
Kenny	

**ABSTENTIONS
THE HONOURABLE SENATORS**

Nil.

The Hon. the Speaker: Honourable senators, I will now put the question on the fourth group of amendments proposed by Senator Murray dealing with the topic of access to information.

It was moved by the Honourable Senator Murray, seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended —

Some Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "nays" have it.

And two honourable senators having risen:

Motion in amendment No. 4 of Senator Murray negated on the following division:

**YEAS
THE HONOURABLE SENATORS**

Atkins	Mercer
Cools	Moore
Downe	Murray—6

**NAYS
THE HONOURABLE SENATORS**

Andreychuk	Kenny
Angus	Keon
Austin	LeBreton
Bacon	Losier-Cool
Banks	Mahovlich
Bryden	Massicotte
Champagne	Milne
Chaput	Mitchell
Comeau	Munson
Cook	Nancy Ruth
Corbin	Nolin
Cordy	Oliver
Dawson	Peterson
Day	Phalen
Di Nino	Poy
Dyck	Prud'homme
Eggleton	Rivest
Eyton	Robichaud
Fairbairn	Sibbeston
Fortier	Smith
Fox	Stollery
Fraser	Stratton
Furey	Tardif
Goldstein	Tkachuk
Harb	Watt
Hays	Zimmer—53
Hervieux-Payette	

ABSTENTIONS THE HONOURABLE SENATORS

Segal—1

The Hon. the Speaker: The next motion, honourable senators, is the amendment proposed by Senator Milne. It was moved by the Honourable Senator Milne, seconded by the Honourable Senator Day, that Bill C-2 be not now read a third time but that it be amended in clause 150.1, on page 120, by adding after the words “However” — shall I dispense?

Some Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Those in favour of the motion will signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the “yeas” have it.

An Hon. Senator: On division.

Motion in amendment of Senator Milne agreed to, on division.

The Hon. the Speaker: The next amendment, honourable senators, is that proposed by Senator Andreychuk.

It was moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Oliver, that Bill C-2 be not now read a third time but that it be amended in clause 2 on page 32, by replacing lines 23 to 25 with the following —

Some Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion will signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the “yeas” have it.

Motion in amendment of Senator Andreychuk agreed to, on division.

The Hon. the Speaker: Honourable senators, the final amendment was proposed by Senator Nolin. The amendment is also of a technical nature amending the French version of clause 227.

[Translation]

It was moved by the Honourable Senator Nolin, seconded by the Honourable Senator Andreychuk, that Bill C-2 be not now read a third time —

Some Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Motion agreed to.

• (1630)

[English]

The Hon. the Speaker: Honourable senators, having now disposed of all motions in amendment, I will proceed to the main motion. It was moved by the Honourable Senator Stratton that Bill C-2, as amended, be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to and bill, as amended, read third time and passed, on division.

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I seek leave of the chamber to postpone all remaining items on the *Order Paper and Notice Paper*, other than Inquiries, until the next sitting, that they may retain their position and that we revert to Government Notices of Motions for the purposes of putting the adjournment motion at the end of inquiries.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

WORLD WAR I

CONTRIBUTIONS OF ARAB PEOPLES TO ALLIED VICTORY—INQUIRY—DEBATE ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of November 7, 2006:

That she will call the attention of the Senate to:

- (a) to Remembrance Day, November 11, 2006, the 86th Anniversary of the end of the First World War, the Day to honour and to remember those noble and brave souls who fought, and those who fell, in the service of the cause of our freedom and in the cause of the British and Allied victory over Germany, Austria-Hungary, and the vast and powerful Ottoman Empire, known as the Ottoman Turks; and
- (b) to the Arabian theatre of the First World War fought in the Arab regions of the Ottoman Empire, particularly Arabia and Syria, and to the brave and valiant Arab peoples, the children of Ishmael, who fought and fell on the side of Great Britain and the Allies in a war operation known to history as the Great Arab Revolt, June 1916 to October 1918, in which the Arab peoples from the Hijaz, the Najd, the Yemen, Mesopotamia and Syria, and their leaders, engaged and defeated the mighty Ottoman Turks, the rulers and sovereign power over the Arab peoples, expelling them from the Arab regions, which these Ottoman Turks had occupied and dominated for several centuries; and
- (c) to the great Arab Leaders in the Arabian theatre of war, particularly the revered Hashemite, a direct descendant of the Prophet Mohammed, the Sharif Hussein bin Ali, the Emir of Mecca, the Holy City, and his four sons the Emirs, Ali, Abdullah, Feisal, and Zeid, who though high office holders under the Ottoman Turks, repudiated their allegiance to the Ottoman Sultan, and led their peoples in the Arab Revolt, both in support of and supported by Great Britain, whose high representatives had promised them independence for the Arabs; and
- (d) to the endurance and valour of the Arab fighters, adept with their camels, to the desert and Bedouin warriors, from the desert tribes, the tribesmen and tribal chiefs such as Auda abu Tayi of the Howeitat tribe, and also to the Arab soldiers and officers of the Ottoman Turkish Army who joined the Arab Revolt to oust the Turks and to support the British, and to the harsh and inhospitable conditions of the deserts, the scorching heat of the days and the frigid cold of the nights, and to the Arab campaigns and victories including their capture of Akaba, Wejh, Dara and Damascus from the Ottoman Turks; and
- (e) to other Arab leaders, including the Emir Abd-al-Aziz of Najd, known as the Ibn Saud, and the Idrisi Emir of Asir, who had offered resistance to Ottoman domination even before the war, and to General Edmund Allenby, the Commander-in-Chief of the British forces with headquarters in Cairo, Egypt, who noted the indispensable contribution of the Arab peoples to British and Allied victory; and
- (f) to the Remembrance of the Arab peoples, the descendants of Ishmael, the son of Abraham and Hagar, the bond servant of Abraham's wife Sarah, and to the Remembrance of all the Arab peoples who sacrificed and suffered tremendously, often afflicted by hunger and thirst, yet who contributed to making Allied victory, our Canadian victory, our

freedom from domination, possible. Lest we forget. We shall remember them.

She said: Honourable senators, this Saturday we will remember the sacrifices of the many in the wars, the terrible and catastrophic results of failed politics. War, that terrible horseman of the apocalypse, is a grim rider. I wish to speak on one part of the Great War, 1914-18, which is rarely mentioned on Remembrance Day. I speak of the heroism of the brave Arab fighters of the Great Arab Revolt, subject peoples who fought and won in their own lands on the side of Great Britain and the Allies against the Ottoman Turks, their rulers and occupiers. Their heroism was great. They fought without the protection of the laws of war and the protection afforded to regular combatants. They risked certain and ferocious death if captured by the Ottoman Turks. This was extraordinary valour. This was the Arabian theatre of the war.

Honourable senators, they were led by the Emir of Mecca, the Grand Sharif, Hussein bin Ali, and his four sons, the Emirs Ali, Abdullah, Feisal and Zeid. Sharif Hussein was a direct descendant of the Prophet Mohammed. Sharif Hussein's son, Abdullah, is the great-great grandfather of the current King Abdullah II of Jordan. As the Emir of Mecca, Sharif Hussein had responsibility for the protection and upkeep of the Kaba, the holy sites, and the protection and care of the Hajj pilgrims on their pilgrimages to Mecca. In 1908 the Ottoman Turks made Sharif Hussein bin Ali the Emir of Mecca.

Honourable senators, I have called these Arab fighters the children of Ishmael because the Arab peoples are the descendants of Ishmael, the son of Abraham and Hagar, the bond servant of Abraham's wife Sarah. The birth of Ishmael is a result of Sarah's and Abraham's doubt of God's promise to give them a child. They set out to alter God's work by making Sarah's Egyptian bond servant a substitute wife for Abraham. Sarah gave Hagar to Abraham. Hagar bore him a son, whom Abraham named Ishmael. Our Christian bibles tell us this story in the Old Testament. The Book of Genesis, King James version, in chapters 16, 17, 21 and 25. In chapter 17, verse 20, God speaks to Abraham saying:

And as for Ish'-ma-el, I have heard thee: Behold, I have blessed him, and will make him fruitful, and will multiply him exceedingly; twelve princes shall he beget, and I will make him a great nation.

After Sarah had conceived and bore a son, Isaac, as God promised, driven by jealousy she cast Hagar and Ishmael out. Chapter 21, verses 10 and 11, says:

Wherefore she said unto Abraham, Cast out this bondswoman and her son: for the sons of this bondswoman shall not be heir with my son, even with Isaac. And the thing was very grievous in Abraham's sight because of his son.

Hagar and Ishmael went out into the wilderness, the desert. Ishmael and Hagar then disappear from the Bible except for Chapter 25, verse 9, which speaks of Abraham's funeral, saying:

And his sons Isaac and Ishmael buried him in the cave of Machpelah, ...

Honourable senators, whereas in Christianity Ishmael and Hagar are minor figures and disappear from the Bible, in the Islamic tradition, they are central and ever-present. The Islamic tradition holds that Abraham took Hagar and Ishmael to Arabia, near Mecca, and holds that Abraham and Ishmael, the progenitors of the Arabs, consecrated Mecca, and also that they built the Kaba at Mecca.

Honourable senators, the Arab peoples are the descendants of Ishmael. Mohammed, the Great Prophet of Islam, is the descendant of Ishmael and was born near Mecca about 570 AD and died about 632 AD. He was of the Quraish, a ruling clan involved in the care of the Kaba built by Abraham and Ishmael. Mohammed resisted polytheism and made monotheism both religion and law in the Holy City of Mecca. The Koran is the record of God's words as revealed to Mohammed.

Honourable senators, in 1916 at the start of the Arab Revolt, Sharif Hussein ibn Ali was a most revered man in his native Hijaz and in the rest of the Arab world. As the Emir of Mecca, the Holy city, in the Hijaz, the Holy land, he played a most important civil, religious and military role. He was one of the Hashemites, natives to the Hijaz, that part of Arabia where Mecca is located. The word "sharif" describes a person who is a descendant of Mohammed. Sharif Hussein's family was an integral part of the life of the Hijaz. His brother, Sharif Nasr, was a senator in Constantinople, the Ottoman capital. His sons Emir Abdullah and Emir Feisal were members of the assembly in Constantinople, from Jidda and from Mecca. Both were exceptional men. Initially, Sharif Hussein had given loyalty and allegiance to the Ottoman Sultan, also the Caliph of the Muslim world, convinced that Arab interests and those of the Turks were united in the Ottoman bond. He had represented the Turkish causes, and even fought against the Ibn Saud of the Saud dynasty, capturing his brother in 1910. In 1911 he led a Turkish force into the Asir against Emir Idrisi. At Asir he had been devastated at the atrocity of the Turks towards the Asir Arabs, and is reported as saying that "there is no good in these people to the Arabs."

Honourable senators, when the Ottomans were preparing to enter the war on the side of Germany in August 1914, Sharif Hussein wrote to the Sultan entreating him not to enter the war on the side of Germany. When asked for his opinion by the Ottoman Grand Vizier and also by Enver Pasha, the War Minister, he responded that joining the war was a great crime and a betrayal of trust. The Sharif was deeply concerned with the safety of the Arabs and the security of the Islamic holy places and also his own native Hijaz. Events and circumstances moved inexorably to cause him to grievously reconsider his position and his own allegiance to Ottoman Turkey as did his sons, which had been in process from 1912 onwards.

Honourable senators, I shall relate some of the events and circumstances that led Sharif Hussein and his sons to repudiate their allegiance to their sovereign, the Ottoman Sultan. One was the fact that between 1911 and 1913, thirty-five Arab members of the Ottoman Assembly in Constantinople had sent a secret memorandum to Sharif Hussein in Mecca. This memorandum confirmed their esteem for his leadership. About this, Professor Suleiman Mousa in his work *Sharif Husayn and Developments Leading to the Arab Revolt* included in *New Arabian Studies I* published by the University of Exeter Press, wrote at pages 39-40:

Sayyid Talib al-Naqib, member of Parliament for Basra, sent a letter with this memorandum in which he declared that, 'All the Arab deputies support my Lord with all their power, tongues and hearts ... We acknowledge your zeal for our religion and nation. We are prepared to rise on your side if you decide to throw off this yoke which weighed heavily on Arab shoulders and if you endeavour to rescue them from oppression and slavery ...

• (1640)

In addition, there was the problem of the new Ottoman Vali of the Hijaz, Wahib Bey. He attempted to subjugate the Arabs of the Hijaz and to reduce the great privileges of Mecca. His activities greatly disturbed the Hijaz tribesmen and created much unrest and dissatisfaction. The situation worsened when around January 1915, Hussein's son Ali, while on a march led by the Wahib Bey against the British in Egypt, found a case of the Wahib Bey's secret papers. Ali's examination of them revealed a secret plot to overthrow and assassinate the esteemed Sharif Hussein. Ali immediately halted the march.

Another event around this time was that the Arab nationalist societies in Syria and Iraq, and the nationalist leaders including high-ranking Arab officers in the Ottoman Army, appealed to Sharif Hussein to take the helm of Arab leadership against the Turks. They were especially disturbed by the new Turkish policy, such as that of the Wahib Bey, to "Turkify" the non-Turk races. The Arab nationalist societies and their leaders wrote the Damascus Protocol, a document which outlined the basis for an agreement between Great Britain and the Arab peoples. When Hussein's son Feisal brought this document to him in Mecca, Feisal brought with it a bag that contained the seals of all the prominent men in Syria, more than 200 in total. This fact alone shows the great esteem and trust that these people placed in Hussein and his sons to negotiate with Great Britain for British support of the Arabs. This is a very significant fact.

Honourable senators, another major consideration in Sharif Hussein's decision to revolt against the Ottoman Turks was the outcome of his negotiations with the British. These negotiations included exchanges between Sharif Hussein and Sir Henry MacMahon, also previous discussions with Lord Kitchener and others, in which the British promised the Arabs military and other support and assistance, including subsidies, money and gold sovereigns. Most importantly, in return for Arab support to defeat the Turks, the British promised support for Arab independence.

Honourable senators, just as an aside, the business of the gold sovereigns is especially important because many of the Arab tribesmen and the people who rallied to this cause liked cash, and they liked to see money in the form of gold sovereigns.

Honourable senators, the Grand Sharif Hussein viewed himself as the lawful leader of the Arab peoples charged with a sacred and a national duty. He was preoccupied with the evil of war. He was also preoccupied with the future of the people of the Hijaz and of the Arab peoples subject to Turkish domination. He was also concerned with the future of the Holy City of Mecca and his own position therein. His faith in the Turks had been deeply shaken when he witnessed Turkish atrocities towards the Arabs of Asir.

Honourable senators, all these events were accompanied by Ottoman pressure from Constantinople on Sharif Hussein to make a proclamation that the war against Great Britain was a holy war, a jihad. They wanted him to use his religious influence as a descendent of Mohammed and as the Emir of Mecca to engage all the Arab and Muslim faithful in the service and support of Constantinople's war strategies against Great Britain.

Honourable senators, reading that history is extremely significant. I am getting ahead of myself, but the Sharif Hussein was to decline to do such a thing.

These events compelled the Grand Sharif and his four sons, great warriors experienced with fighting in the harsh conditions of the desert, to repudiate their allegiance to the Ottoman Sultan, also the Caliph of the Muslim faithful. Sharif Hussein and his sons risked a terrible fate from the Ottoman Turks for taking up arms against them.

Honourable senators, Sharif Hussein and his four sons, the Emirs Ali, Abdullah, Feisal and Zeid, were exceptional human beings. They took the irreversible decision to oppose the might of the Ottoman Turkish Empire and to support Great Britain and its allies in the war.

On or about June 10, 1916, the Grand Sharif of Mecca and the Hijaz fired a shot from the window of his residence in Mecca, his signal to the Arabs to start military action against the Ottoman Turks. This marked the beginning of the Great Arab Revolt commanded and led by the Grand Sharif Hussein, that rarely remembered portion of the First World War. It was the revolt of a people seeking freedom from foreign subjugation. It was no simple rebellion, it was the Great Arab Awakening. Predictably, its effects were profound.

A fact of desert life had always been blood feuds, blood lust and plunder between desert tribes. This awakening was a unifying force for the desert tribes, who fought well and bravely in the revolt. Sharif Hussein and his sons knew and understood these tribesmen, and it is really a remarkable piece of history.

Honourable senators, Sharif Hussein's four sons commanded the Arab fighters in the field. The British officer, Colonel Thomas Lawrence, known as Lawrence of Arabia, gave the Arab Revolt fighters assistance, particularly in the areas of managing explosives and in the disruption of Turkish railway lines and other strategic targets.

The Hon. the Speaker: I regret to advise the honourable senator that her 15 minutes have expired.

Senator Comeau: Five more minutes.

Senator Cools: Unlike the Turks, the Arabs were not used to modern warfare and the technology of modern war. In 1917, with the Arab Revolt was well underway, the Arab forces captured Akaba, the strategic port on the Red Sea, a major feat of arms and a major blow to the Turks, one which the British had deemed impossible because of the harshness of the desert landward approaches to Akaba. Akaba's capture necessitated that the Arab fighters, short of food and water, trek by camel over 1,000 miles across formidable desert. Sometimes the flints and the rocks of the scorched desert became so hot that even the camels suffered burns on their hooves. Dozens of snakes had to be killed and many fighters died of snake bites.

That the Arab fighters, with their meagre resources even though assisted by the British, prevailed over the Ottoman Turks is a testament to their robustness and their stamina. They also captured Wejh, Dara, Damascus and Aleppo from the Ottomans.

General Allenby kept a close watch on the movements of the Arab forces. This Arabian theatre of war was ablaze with bloodshed. Hundreds of thousands of Turkish soldiers were about. The Arab Revolt tied up large numbers of them by various raids, feints and attacks. Thousands died of starvation, dysentery and dehydration.

At the end of September 1918, the Arab forces commanded by Emir Feisal occupied Damascus. When Emir Feisal himself entered Damascus, he was greeted as a great conquering hero by the inhabitants. Damascus was placed under Arab administration under Feisal.

En passant, Emir Feisal was the representative of the Arab peoples at the Paris Peace Conference at Versailles, France, in 1919. However, the hopes of the Arab fighters were never fully realized, largely as a result of the imperial aspirations of the Great Powers.

Feisal himself ended up fighting the French, who occupied Syria around 1920 and deposed him. Many of the tribesmen and chiefs who fought for the Allies were killed fighting the French.

My point today, honourable senators, is to remember these Arab fighters and Arab peoples in the First World War and their contributions to world peace, a peace which they did not fully share, mostly because the results of the peace settlements caused grave unhappiness and rebellion among the Arabs.

• (1650)

In closing, that corner of planet earth produced the great monotheisms: Christianity, Islam and Judaism, the three religions of the book, which all hold that truth is to be found in divine revelation. God revealed much in that same corner of the earth.

I would like to quote from the Old Testament, the Book of Ecclesiasticus, ch. 44, being a tribute to the great prophets. I should like to read verses 1, 3, 7, and 9:

Let us now praise famous men, and our fathers that begat us...

Such as did bear rule in their kingdoms, men renowned for their power, giving counsel by their understandings, and declaring prophecies: ...

All these were honoured in their generations, and were the glory of their times. ...

And some there be, which have no memorial; who are perished, as though they had never been; and are become as though they had never been born; and their children after them.

Honourable senators, this is always, to my mind, an enormously sad time of year as we celebrate all of those who have sacrificed in their various ways. I just thought that we perhaps should include this small piece of history, but a large piece of history to those people who were involved.

Suffice it to say, "Lest we forget." Let us remember them. While we are at it, let us remember all of the Canadian young men and young women who went out to distant shores to fight for people whom they had never met.

On motion of Senator Prud'homme, debate adjourned.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, we have agreed that all other items stand in their place.

The Hon. the Speaker: Is that the understanding of the house?

Senator Comeau: It was my motion.

The Hon. the Speaker: The chair had understood that we were standing everything up to inquiries, and the chair would then call all items up to the end of the Order Paper.

Senator Comeau: It was to be everything, other than inquiries.

The Hon. the Speaker: Does the house not want me to call motions?

Senator Comeau: That is correct.

Hon. Tommy Banks: I would ask for leave to leap ahead to motion 119.

Senator Comeau: I am not sure if I understand where we are. Earlier on, I thought we had moved and agreed to stand all items other than inquiries, and that we would revert to the motion of adjournment because all other items had stood in their place. Therefore, we seem to be treading on new ground here.

The Hon. the Speaker: The honourable senator is absolutely correct. That is what was said. We have concluded the inquiries.

The next item that remains is motions, and I take it that it was the understanding of the house that we would not deal with those

today as we did not deal with the other items, but that they stand in the order in which they find themselves. Therefore, we call upon Senator Comeau.

Senator Banks: Notwithstanding, I asked for leave of the house to deal with Motion No. 119 standing in my name.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: No.

Hon. Marcel Prud'homme: Notwithstanding, my dear friend, we had already agreed. Now he will have to ask consent to ask questions. If we disagree with the agreement we gave, I think he will not find agreement.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 21, 2006 at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 21, 2006, at 2 p.m.

THE SENATE OF CANADA PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, November 9, 2006

(Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0			

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3rd (including 1 amend to report) 06/11/09 Total 158	06/11/09		
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications					
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03		
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06							
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06							
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources					
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03							
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs					

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(HANSARD)

Tuesday, November 21, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, November 21, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

UNITED NATIONS REPORT ON VIOLENCE AGAINST CHILDREN

Hon. A. Raynell Andreychuk: Honourable senators, yesterday, on National Child Day, the United Nations released its long awaited Report on Violence against Children. In it, the UN's independent expert, Paulo Sérgio Pinheiro, calls for immediate action around the world in response to the grave and urgent nature of this global problem.

His report notes some dire statistics. According to the World Health Organization estimates, 53,000 children died worldwide in 2002 as a result of homicide and 150 million girls and 73 million boys under 18 have experienced forced sexual intercourse or other forms of sexual violence. The International Labour Organization reports that in 2004, 218 million children were involved in child labour.

• (1405)

These statistics may sound distant to some, a faraway reality that has few implications for Canada, yet this perception is false. Since late 2004, the Standing Senate Committee on Human Rights has been examining Canada's international obligations with respect to our obligations under the United Nations Convention on the Rights of the Child. According to the convention, children are entitled to protection from all forms of violence, and to health and health services. Children have the right to an education and to an adequate standard of living. They also have the right to be protected from sexual exploitation.

In the course of its study, the Human Rights Committee has heard from witnesses from across Canada and even in Europe, examining whether Canadian policy and legislation reflect the provisions of the convention, and to what extent we are in compliance with our international obligations. The answer has been startling sometimes and is certainly distressing.

Often recognized as a leader in the human rights field, Canada ratified the UN Convention on the Rights of the Child in 1991. This ratification would seem to be good news for our children, yet our study has revealed that ratification was not enough and much work is to be done. The convention must be implemented in Canadian law and policy to be enforceable in Canada, yet, too often, this implementation has not been done.

A disturbing recurrence of testimony from witnesses stated that Canada is a country in which actions do not live up to its reputation. Witnesses were critical of the perceived gap between the rhetoric and the realities of children's rights in Canada. While the government attempts to conform to the rights-based approach

in theory, many witnesses argued that the government hesitates to be bound by its practice. In government, even among those dedicated to protecting children's rights, knowledge of the convention is spotty at best.

This reality was documented in the interim report of the Human Rights Committee, released in November of last year, entitled *Who's in Charge Here? Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*.

In continuing our study into the implementation of specific articles of the convention, our committee members heard testimony about children and youth whose futures were at risk. We heard stories about children who were subjected to violence and abuse, who were exploited sexually and who were tangled in the justice system and had nowhere left to turn. Canada is not immune from the problems outlined in Mr. Pinheiro's report. Canada has a long way to go toward ensuring that the UN Convention on the Rights of the Child is implemented fully and effectively into Canadian law.

NATIONAL CHILD DAY

Hon. Terry M. Mercer: Honourable senators, National Child Day is a day to recognize and celebrate the children of Canada. Yesterday in the Senate chamber, my colleague Senator Munson and I were honoured to host the celebrations for children by children with the help of the Speaker of the Senate, the Honourable Noël Kinsella, and we would like to thank him for that.

We welcomed over 300 children into the Senate chamber, where we witnessed performances of the spoken word, song, music and dance. We heard the jazz guitar stylings of Lucas Haneman, a young man who has been visually impaired since birth. We danced and clapped to the band, Dr. Draw, and their unique renditions of classical masterpieces. We participated in the inspiring presentation by Jean-François Carrey, the youngest Canadian to ever climb Mount Everest. These performances are but a sample of the celebrations we enjoyed yesterday.

Honourable senators, everyone who participated challenged the children to have an imagination, to have hopes and dreams, and to know that they can achieve anything they put their minds to. Events such as these provide opportunities to open the doors of the Senate to young people, who are the future of Canada. We give them an honoured place in our hearts and in our society.

I would like to take this opportunity to thank everyone who made this event possible: the Speaker and his staff; Senator Munson and his staff; Senate communications, especially Leslie Dauncey; sound technicians, especially Pedro Peres and Jean Lavergne; Maurice LaFramboise and his team in Senate installations; and, of course, my own staff.

Everyone worked hard to make this day special for all the children who attended and, indeed, for children across Canada. Without these people, it would not have been possible.

Honourable senators, National Child Day commemorates the unanimous adoption by the United Nations of the Convention on the Rights of the Child on November 20, 1989. We continue to do our best to keep the flame of awareness burning brightly for all the children who will grace these chambers in the future.

• (1410)

[Later]

Hon. Jim Munson: As honourable senators have already heard, yesterday was National Child Day in the Senate and it was a great success. I would like to thank the Speaker of the Senate for his support in all of this. All honourable senators have a role to play in improving the life of a child. Whether it be through reviewing legislation or volunteering at a local food bank, each of us has a role to play in making a child's life better, and it reminds us of what it is like to be a child. This year's theme "The Right to be Heard!" goes a long way in achieving this.

I would like to say something personal. When I was appointed to the Senate three years ago, I was thinking about what role I could play. As a reporter for 35 years, I covered many events around the world. People asked me whether it was the massacre in Tiananmen Square that mattered or the first Gulf War that mattered or the assassination of Indira Gandhi that mattered. Of course, all of those stories mattered, but for me, as a reporter, the stories that made a difference were the ones about deformed children in an orphanage in Phnom Penh, Cambodia; about water projects promoted by the Canadian International Development Agency, CIDA, in Gansu Province, China; and, closer to home, about the slow suicide of the children of Davis Inlet. These are the stories that mattered to me when I was a reporter and, when I arrived in this place, I wondered how I could make a greater difference, besides by observing and telling a story.

I feel that this is a place where I can do more than observe and tell a story. I can play a small role in the lives of children both at home and around the world. It is important to me and to Senator Andreychuk, Senator Carstairs, Senator Mercer and all senators. We might not always make the front page of every newspaper, which is difficult for an old journalist like me to accept, but I am certain that for a long time to come we will be on the front page of every child who was there yesterday.

CARDIOVASCULAR RISK ASSESSMENT

Hon. Wilbert J. Keon: Honourable senators, one of the most important and most useful things to do is monitor one's health. Today, you will have a chance to do just that.

The Canadian Medical Association is hosting a cardiovascular risk assessment booth where Parliamentarians and staff members can chart their 10-year risk of cardiovascular disease, determine their cardiovascular age, calculate their body mass index, BMI, and find out their cholesterol level. This is probably the smartest thing you can do for yourself today.

Regular monitoring of your cardiovascular health can mean the difference between taking lifesaving action now or dealing with the consequence of heart attack or stroke later.

[Senator Mercer]

In summary, honourable senators, if you control the nine most important risk factors, you can reduce your risk of premature heart attack by 90 per cent. There is a team awaiting you in Room 200, West Block, to perform the necessary tests.

CONGRATULATIONS TO STEVEN FLETCHER ON INDUCTION INTO TERRY FOX HALL OF FAME

Hon. David Tkachuk: Honourable senators, on November 13, Conservative Member of Parliament Steven Fletcher was inducted into the Terry Fox Hall of Fame. I can think of no one more deserving of such an honour. Steven was inducted in the category of "achiever," but only because there is no such category as "high achiever." If there were, that is where he would fit.

Mr. Fletcher has accomplished more than most people. He earned a Masters of Business Administration; was twice elected President of the University of Manitoba Student Union; served as executive director of the university's board of directors; founded Wilderness Access Manitoba; was elected to Parliament in 2004, where he served as health critic; and was appointed Parliamentary Secretary to the Minister of Health in 2006. These are serious and remarkable achievements for any young person, but Steven, who only turned 34 this year, accomplished all of this while confined to a wheelchair. He has been a quadriplegic since the age of 26.

• (1415)

Faced with similar circumstances, many of us would have just given up; others would have settled for achieving a lot less. All of us would have understood either of these reactions, but Steven Fletcher has demonstrated that he is truly a kindred spirit of that great Canadian, Terry Fox.

Like Terry, he has more than endured and he has more than persevered in the face of adversity. He has pushed himself beyond what anyone would have thought either possible or, perhaps, even wise. He has brooked no obstacles to what he hoped to achieve. As a result, he has carved an extraordinary life out of extraordinarily challenging circumstances.

Steven also keeps a schedule that is, to say the least, daunting. I know. I ride with him on an airplane from Winnipeg to Ottawa on Sunday nights. Last Sunday, he was telling me about his schedule. I said, "What kind of week did you have? Did you get a little rest?" He went through his schedule, starting with Monday in Toronto to receive the award, then the Grey Cup activities and a youth caucus. By the time he was finished, I was tired. He did all this in a wheelchair.

When I look at Steven, I think of the tremendous amount of energy it must take not just to get into that wheelchair but then to get into an airplane to come to Ottawa every week to participate with us here. We live in a great country that allows people who are quadriplegic to participate and to feel at home in the House of Commons.

Steven has a tremendous sense of humour. I am sure he would be highly embarrassed if he were to hear what I have said today. However, I am glad I have said it.

I hope all honourable senators will join me in congratulating Steven Fletcher, Member of Parliament, on his induction into the Terry Fox Hall of Fame.

Hon. Senators: Hear, hear!

NATIONAL CHILD DAY

Hon. Sharon Carstairs: Honourable senators, the United Nations Convention on the Rights of the Child spells out the basic human rights to which every child everywhere is entitled.

Canada adopted the UN Convention on the Rights of the Child in 1991. In 1993, the Government of Canada enacted Bill C-371, which designated November 20 of each year as a national day of the child to promote awareness in Canada of the convention.

This year's theme of National Child Day was "The Right to Be Heard!" This theme emphasizes each child's right to have a voice in matters that affect them. Article 12 of the convention states that children have the right to express their own views in all matters that affect them appropriate to their age and maturity.

Children learn through active participation. Through listening to them, we can empower them and help them to take their place in the world.

National Child Day is a day that reminds us to celebrate the contribution children make to our society. However, it should also remind us of our role in ensuring that their basic fundamental rights are protected.

Hon. Rod A. A. Zimmer: Honourable senators, as we celebrate National Child Day and reflect on the importance of a healthy, happy and nurturing childhood, I think about the challenges we have yet to tackle in providing such an upbringing to children here in Canada and throughout the world.

Last year, I attended the child day concert, where the Barebacked Ladies performed. However, this year, I regret that I was unable to make it back in time to attend yesterday's National Child Day concert here in the chamber, which was organized by Speaker Kinsella and Senators Munson and Mercer.

I am told that the event struck a balance between showcasing the talents of Canadian children through song, dance and theatrics and educating the audience, mostly children, about the gaps that exist between fortunate children and those who face formidable challenges.

When we consider the hardships faced by their global brothers and sisters, we may think of Canadian children as lucky. For example, neither they nor their families live in fear that they will be abducted and forcibly recruited to fight in combat. As we have learned from Senator Dallaire's ongoing work on preventing the use of child soldiers, this is not the case for many children in countries such as Sri Lanka, where recent reports indicate that the situation has worsened with the escalation of violence. Here, in Canada, we, too, live amongst young people whose health and future success is in jeopardy.

As Senator Pearson wrote in her last *Children & the Hill* report, during her 10 years in the Senate, Canada has made many strides in areas such as youth justice and the reduction of the depth of

poverty in which children live. However, serious weaknesses remain in other human rights areas, including those of Aboriginal children, many of whom fare poorly in many health indicators relative to their non-Aboriginal counterparts.

• (1420)

This year's National Child Day theme "The Right to be Heard!" emphasizes each child's right to have a voice in matters that affect them. The importance of child participation is highlighted in the United Nations Convention on the Rights of the Child and has been acted upon in a meaningful way by the Federal Committee Against Commercial Sexual Exploitation of Children and Youth.

In February of 2007, the committee will begin a study on the sexual exploitation of Aboriginal children in Canada. A report released in 2000 suggests that in some communities in Canada, commercial sexual exploitation of Aboriginal children and youth forms more than 90 per cent of the visible sex trade in areas where the Aboriginal population is less than 10 per cent.

Honourable senators, in responding to this problem, the report recommended the engagement of affected youth through the establishment of a youth network and a series of youth-driven pilot projects. The federal committee will assess developments in sexual exploitation of Aboriginal children and youth and determine the best way to act on its report's recommendations. I look forward to working on this issue with my colleagues in the Senate, various federal departments and agencies, and the other place.

Honourable senators, although we place special emphasis on the recognition of children's rights on National Child Day, we must keep them at the front of our minds and hearts throughout this year and the rest of the time.

ROUTINE PROCEEDINGS

STUDY ON NATIONAL SECURITY POLICY

AMENDED REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Colin Kenny: Honourable senators, I have the honor to table the fourth report of the Standing Senate Committee on National Security and Defence, as amended, pursuant to the motion adopted by the Senate on October 17, 2006.

I move that the report be placed on the Orders of the Day for Consideration at the next sitting of the Senate.

The Hon. the Speaker: Honourable senators, is it agreed?

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

**PROCEEDS OF CRIME (MONEY LAUNDERING)
AND TERRORIST FINANCING ACT**

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-25, to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1425)

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

**BUREAU MEETING, JUNE 29-JULY 3, 2006—
REPORT TABLED**

Hon. Andrée Champagne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Assemblée parlementaire de la francophonie, which participated in the APF Bureau meeting held in Rabat, Morocco, on June 29, 2006, and the 32nd session of the APF, which was also held in Rabat, Morocco, from June 30 to July 3, 2006.

[English]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

**COMMITTEE AUTHORIZED
TO MEET DURING SITTING OF THE SENATE**

Hon. Hugh Segal: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs and International Trade have the power to sit at 5:00 p.m. today, Tuesday, November 21, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

This motion is to accommodate a visit of a minister of the Crown.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

QUESTION PERIOD

FINANCE

INCOME TRUSTS—CHANGE IN TAX TREATMENT

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. On October 31, the Minister of Finance, Mr. Flaherty, introduced the changes to the tax treatment of income trusts, a clear 180-degree turn and the breaking of a clear promise by the government in power not to change the tax treatment of income trusts.

I am looking for both an acknowledgement from the Leader of the Government of the consequences of this change, which is by any measure a significant tax increase, and an assurance that when the Minister of Finance presents his economic statement later this week, the change will be acknowledged as such and commented upon in terms of the proceeds of this significant tax increase that the government has brought in.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Hays for the question. Minister Flaherty will appear before the House committee on Thursday, November 23 to make his statement.

On the issue of income trusts, I think it was clear that a situation had developed that had taken on a new dimension over the past four or five months. Minister Flaherty took the decision to restore balance and fairness to our tax system. We were in danger of transferring the tax burden on to the shoulders of low- and middle-income Canadians. Canada stood alone, more or less, on the income trust issue. For example, Australia and the United States had already taken a decision in this regard.

As the honourable senator knows, the minister announced other important tax measures such as income splitting on pensions and increasing the age credit by \$1,000, including allowing people who had money in income trusts a period of four years to handle their portfolio and deal with the changing law.

• (1430)

Senator Hays: Canadians have heard that story. Many of those who invested based on their understanding that the tax treatment of income trusts would not change as promised have suffered enormous capital losses in terms of the diminution of their investment in income trusts, the market capitalization of which is well in excess of \$200 billion on the index; the figure varies, but approaching 20 per cent is the one that we accept as the loss in value to those people, many of whom could not afford it.

I am looking for an acknowledgement that the government, by this action, has increased taxes. An additional tax burden is borne by Canadians by virtue of the fact that in four years on certain trusts, and immediately on others, the income generated by the holders of those instruments will be diminished by roughly 30-some-odd per cent, depending on their tax bracket. That tax increase is big, and it should be acknowledged as such. I am looking for that acknowledgement. Hopefully, the Leader of the Government will encourage the Minister of Finance to deal with the matter in an honest way in the upcoming economic statement.

Senator LeBreton: Honourable senators, the Minister of Finance correctly stated that he regretted having to make this decision. We understand the previous government contemplated making this decision and then, of course, with the mishandling of the file, did not pursue it.

Some Hon. Senators: Oh, oh!

Senator LeBreton: The official opposition's finance critic in the other place, Mr. McCallum, said — and I applaud him for his honesty — that it was the right thing to do, but the fact is that in the short time we have been in government, almost \$70 billion in new trust managements have come forward. If left unchecked, we would have created a situation where large corporations would have benefited and the tax burden would have been shifted onto the backs of middle-class Canadians. When the honourable senator reads the financial pages, he will see many differing opinions about the actual number who will have been affected by this decision at the end of the day. I do know that a great many Canadians are happy and pleased with the new income-splitting measure brought in. Although I do not know what the Minister of Finance will say, I am sure he will lay out as best he can the situation we face economically at the present time.

Senator Hays: Honourable senators, maybe I do not need to repeat; maybe the leader's lack of comment is an acknowledgement that the government has brought forward a major tax increase.

Senator Meighen: You just do not like the answer.

Senator Hays: Some do not like the question, but the question is there. If honourable senators are in my situation, their email accounts will be full from people who have lost enormous amounts of money in terms of the capital asset they held. These people are unhappy and there is nothing they can do about it, absent a change of position by the government. We will see what Senator Grafstein and his committee do when they have the legislation that evolves from the ways and means motion before them.

The minister mentioned the management of this decision. It was announced on a weekday. This dramatic change would have been best announced after the close of business on a Friday. It having been announced on a weekday, there was no opportunity for investors to react in a thoughtful way because of the time frame. This situation aggravated the losses that many experienced, in terms of the panic that ensued, the hasty selling and the inability to go to an adviser for advice. Why was this decision announced in that way, which caused so much additional loss to the investors in income trusts?

• (1435)

Senator LeBreton: It was done on Tuesday, October 31, after the markets closed. It was done in that way to avoid the disastrous situation that was faced by the previous government when the markets were all over the place on the issue of income trusts. I am receiving emails, as we all are, and if one reads them carefully, they have a certain repetitiveness in that the same wording is used. It is a very organized campaign by some people, and that is their right, which I do not question.

However, I wish to assure the honourable senator that the Minister of Finance made this decision in the interests of the country and the middle-class taxpayers in this country. The minister, I can most assuredly say, will not do what previous governments did and back down from an important and needed decision.

Senator Hays: Honourable senators, the minister said it had to be done on a Tuesday to avoid the problems that had been experienced by the previous government. I do not understand that response. Can the minister explain why it was not done on a Friday, so that the people who had these investments would have had a cooling off period within which to consult investment advisers and minimize the losses that many experienced in an unfair way due to the precipitous way in which this change was announced?

Senator LeBreton: Honourable senators, whether it was done on a Tuesday or a Friday, when the decision was made, the government watched the markets carefully, as has been reported. There had been no leakage of this information, unlike previous governments, and they moved when they felt it was necessary. The markets reacted for the first few days, but the markets recovered. I am sure the people who hold units in income trusts are now dealing with their brokers. I do believe that at the end of the day level heads have prevailed, and I have not seen any evidence that individuals have lost large sums of money.

Some Hon. Senators: Oh, oh!

Hon. Jeremiah S. Grafstein: Honourable senators, the Leader of the Government in the Senate has emphasized the issue of fairness, with which we all agree. Investors rely on two things: fairness in the marketplace and reliance on ministerial policies to ensure that investors are treated fairly and equitably. The government did announce this change, but could the minister explain to the Senate why the government chose four years as opposed to three years, seven years or eight years? My understanding is that when this measure was changed in other jurisdictions, they allowed for a 10-year transition period, as opposed to four years, to smooth out the negative implications for an individual investor.

Senator LeBreton: Honourable senators, I will have to take that question as notice. I do not know the rationale behind the four-year decision, but I will certainly undertake to provide a response.

Senator Grafstein: When the Leader of the Government in the Senate talks to the minister and government officials, she might also ask them about the question of retroactivity, the rationale for grandfathering a particular provision once investors had relied upon a course of conduct the Prime Minister articulated when he was Leader of the Opposition. He had indicated that he would not touch the trusts, as I recall, and I do not want to quote him out of context. It was based on that statement that investors continued to make investments in this sector.

The question of retroactivity is important to this chamber and it has been debated back and forth. When there is a measure of some substance, there is usually a period of time, as in this measure, to allow the smoothing out of the investment so that people are not detrimentally affected in an unfair way.

• (1440)

Perhaps when the Leader of the Government goes back to the officials, they could provide an explanation to us about the basis of why four years was decided upon, based on what is fair, equitable and deemed not to be retroactive.

Senator LeBreton: I thank the honourable senator for that question. I will take it as notice.

However, it is important to point out that the issue was about seniors and their ability to survive in this country economically. The Prime Minister and the Minister of Finance were faced with a situation whereby large corporations were, in effect, about to move huge sums of money into income trusts. This move would have had a detrimental effect on our economy. It would have had a detrimental effect on even some of the companies and their ability to innovate in many of the areas they are involved with.

The government felt it had to act. The Minister of Finance specifically felt he had to act in the interests of tax fairness for all Canadians.

I believe that people who have income trusts and have talked to their investment dealers will have had an opportunity to look at the four-year divestment period. I am certain that at the end of the day this policy, while it seems problematic for some people at the present time, will benefit a whole group of other Canadians enormously, particularly women, as a result of income splitting of pensions.

We continuously receive emails when people are upset. We do not receive many when people are happy about a government policy. I have received — and I am sure others have as well — many emails and letters of support in terms of the government's decision to provide income splitting for pensions.

Senator Grafstein: As well, could the Leader of the Government inquire of the minister whether he would consider, or has considered, in fairness a revision as it applies to those corporations that have moved from a corporate structure to an income trust structure and will now be required, if they choose, to return to the original corporate structure? Can the Leader of the Government also inquire of the minister as to whether there would be negative income tax consequences that could be removed, all in the name of fairness?

Senator LeBreton: In the name of stability, I doubt that the Minister of Finance will alter the decision in any way he made on October 31. I believe he will lay out an economic statement of where he intends to take the country in the next while. Therefore, we will have to wait and see what he says on Thursday.

For most people involved — and I am sure it was the case with the other side when they were in government — once the government makes a decision in the name of stability, it is much better to stick with a decision than to cause more disruption in the market by going back on a decision.

We saw what happened with the income trust issue in the fall of 2005 when the markets responded in a number of ways. Of course, the minister was put in the position of changing a position he was apparently intending to take.

[Senator Grafstein]

Therefore, I do not think it is wise for any Minister of Finance to make a decision and then to go back on it only because pressure has been applied by certain people to do so.

Having said that, I will ask the Minister of Finance to provide a proper response to the technical parts of the honourable senator's question, as I am not a financial analyst.

• (1445)

HEALTH

PROGRAM CUTS TO SECRETARIAT ON PALLIATIVE AND END-OF-LIFE CARE

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate. The minister has consistently argued that the \$1-billion cuts made to a variety of agencies, from literacy to palliative care, will not result in any programming cuts.

Honourable senators, I should like to inform the government leader that I learned yesterday that the task group on volunteer practice and services out of the Secretariat on Palliative and End-of-Life Care, which ensures quality care provided to palliative care patients, will not receive the funding to ensure standards of care. Why is this government unwilling to support the thousands of Canadians who are volunteering in the field of palliative care to those who are most vulnerable, those Canadians who are dying?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the senator for her question. Senator Carstairs asked me a question some months ago on this issue, and it turned out not to be the case. I am not sure what program or to whom Senator Carstairs is referring specifically, so I shall take the question as notice.

Senator Carstairs: Honourable senators, I sincerely disagree with the honourable minister. Every bit of information that I brought to the table with respect to palliative care was, in fact, absolutely true and verified by the answer provided to me in a written response.

I should like the minister to explain why this government does not wish to have volunteers provided with national standards in the delivery of the care that they are providing so that they will have both the competence and the capacity to deliver quality care to those they are servicing.

Senator LeBreton: Honourable senators, again, I am not certain as to which program the honourable senator is referring and whether the program to which she is referring is one the federal government has funded in the past. I do not know whether Senator Carstairs is talking about delivery of services directly, about advocacy groups or about federal-provincial programs. Therefore, I shall simply take the question as notice and try to ascertain exactly which program the honourable senator is referring to and make inquiries as to the status of that program.

Senator Carstairs: Honourable senators, let me be very clear to the minister: There are five working groups, made up entirely of the volunteer sector, that have been funded by the end-of-life secretariat at Health Canada. Each group has originated

programs. One of these programs was standards of practice for volunteers, and the relevant group has been informed that that program will not receive funding. I should like to know what this government has against volunteers.

Senator LeBreton: Honourable senators, I am sure all of us in our other capacities do a lot of volunteer work. I certainly do not feel in my volunteer work that I am discriminated against by my own government. I shall take Senator Carstairs' question as notice and attempt to ascertain exactly what the Minister of Health and the Department of Health have actually intended to do with the program.

Hon. Jack Austin: Honourable senators, were I the Leader of the Government in the Senate and the question was raised, I would say that the Conservative side sees these voluntary services not as a sacred trust but as a burden on the Canadian taxpayers — a very different value system than the one we have seen for so many years in Canada.

FOREIGN AFFAIRS

PRIME MINISTER'S VISIT TO CHINA— CASE OF MR. HUSEYIN CELIL

Hon. Jack Austin: My question relates to the visit of Prime Minister Harper to China.

Senator Segal: Shame!

Senator Austin: I am sure that Senator Segal, in saying "shame," does not want questions about Prime Minister Harper's visit to China.

Senator Comeau: Yes, we do.

• (1450)

Senator Austin: Here is one and I have others. Just bide a moment and you will hear some questions.

Prime Minister Harper was quoted yesterday by Jennifer Ditchburn of the Canadian Press as criticizing the Canadian business community for wanting to sell out Canadian values for the almighty buck. Where have Canadian business leaders taken such a position? Would Senator LeBreton give us examples?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, first, in response to my honourable friend's first comment about being the Leader of the Government in the Senate, I will have to read the blues of what he said. If that would have been the answer had he been government leader, it would have been quite interesting.

With regard to the Prime Minister's attendance at the APEC conference, I think he acquitted himself and Canada extremely well with regard to human rights. As he pointed out, other governments in the past did not raise human rights issues as vigorously, and where did that get us? We have a huge trade deficit but the Chinese will be continuing to do business with us.

The government has had very successful meetings with the Chinese directly. — Meeting with Minister Lunn from British Columbia, Minister Strahl a few weeks ago, Minister Emerson,

Minister MacKay on several occasions with the Chinese foreign minister all show that the doors are open to our continuing business relationships with China.

On the matter of human rights, I, for one, am very proud of our Conservative Prime Minister standing up against the Chinese on issues of human rights. This morning I was asked the question about the Prime Minister raising the issue of human rights with the Chinese, and I responded by saying that we have a Prime Minister who actually raised the issue as opposed to a Prime Minister who pepper sprayed Canadians protesting against their human rights record.

Senator Austin: Honourable senators, that is as much fluff as this chamber has seen in a very long time.

The Prime Minister talked about the buck being more important than human values, and he said that about the business community's value system. Where are the examples?

In addition, I want to tell my honourable friend that previous leaders, including Mr. Trudeau, Mr. Mulroney — whom she used to value — Mr. Chrétien, and Mr. Martin, have raised human rights in a positive context and an engagement context, not in a confrontational context. Does she think that Mr. Celil has benefited from a confrontational presentation with respect to the amount of time he will spend in China, or does she think, as with previous cases, which she could inform herself about if she addressed her questions to officials in the Department of Foreign Affairs, that a series of people have been sent by China to Canada and are now here who would not be here, believe me, if confrontation was the name of game? Really, it is pathetic how this government is promoting its own political interests at the expense of Mr. Celil.

Senator LeBreton: Honourable senators, I never thought I would be accused by a Liberal of being part of a government defending human rights as advancing our political interests.

In answer to the question, I can only respond that Mr. Celil's lawyer has given a very positive response to the actions of the government, as have many human rights and democracy organizations. I hasten to point out that the former Prime Minister was criticized by many for not vigorously raising the issue of human rights. I would add that even after the much vaunted Team Canada trade missions returned to Canada, our trade numbers went down on every single occasion.

• (1455)

Senator Austin: Honourable senators, I will ask the Leader of the Government in the Senate one additional question. I want to refer to a story in the CanWest News Service, *The Gazette* in Montreal, yesterday, as follows:

In his "very frank" chat with the Chinese president, Harper said he was left with "a distinct impression, if I can say, that the Chinese are not used to that from a Canadian government."

Would the minister tell us what "that" is?

Senator LeBreton: "That" is standing up to China on important matters of human rights.

Senator Austin: Honourable senators, why have we no details of the meeting that took place between President Hu Jintao and Prime Minister Harper? What took place in 10, 12 or 15 minutes, apart from politesse? What was raised about human rights, or was it only the issues about Mr. Celil? Was it about human rights? Is the government pressing issues with respect to the joint committee, between Canada and China, on human rights? What is "that"?

Senator Mahovlich: Put a dress on it.

Senator LeBreton: Put a dress on it, he says; put a suit on it, I say.

It was a short meeting, as the Prime Minister publicly acknowledged, in advance of the official dinner held at the meeting of Asia-Pacific Economic Cooperation, APEC. He and the president discussed many issues, economic and political, including consular cases. They agreed that continuing to build a Canada-China relationship is important, and the Prime Minister stressed to President Hu Jintao that it is necessary for both countries to proceed in an open, frank and wide-ranging way.

I believe that, as the Prime Minister said, it was a brief meeting. However, the Prime Minister used the occasion to make it clear to China that we value human rights, but we also value open, frank discussions with China. I believe that in the meetings the other ministers had with Chinese officials, that is exactly what happened.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to a question raised in the Senate by Senator Callbeck on June 15, 2006, regarding the Cabinet and representation of Prince Edward Island.

THE CABINET

REPRESENTATION OF PRINCE EDWARD ISLAND

(Response to question raised by Hon. Catherine S. Callbeck on June 15, 2006)

Support for the Confederation Centre for the Arts

The Confederation Centre of the Arts was established in 1964 as the official memorial to the Fathers of Confederation. Its construction was a joint initiative of the federal government and all of the provincial governments to mark the centennial of the 1864 Charlottetown Conference. The Fathers of Confederation Buildings Trust was established to operate the facility.

The Centre's mandate is to "inspire all Canadians to celebrate, through heritage and the arts, the creative vision of Confederation, and Canada's evolving nationhood".

The Centre offers a wide variety of programming, including the world-renowned Charlottetown Festival; the Young Company (a training program for emerging theatre students across Canada); the Confederation Centre Art Gallery and Museum and education services programming.

Since 1965, the Government of Canada has contributed annually to the operation of the Confederation Centre. On July 21, 2006, the Minister of Canadian Heritage, the Honourable Bev Oda, announced that over the next three years, federal funding of \$5,625,000 would be provided to support the Centre's operations — this represents an annual contribution of \$1,875,000.

In addition, since 2001-2002, the Department of Canadian Heritage has also provided project funding totalling some \$4.1 million for infrastructure repairs, management improvement projects, digitization projects, museum assistance and official languages initiatives.

Shrimp Allocation

Earlier this year, scientific evidence indicated that an additional allocation of almost 8,000 tons of shrimp was available off the southeast coast of Newfoundland.

As a result, the Minister of Fisheries and Oceans received requests from 27 new parties, including the PEI Atlantic Shrimp Corporation to be given access to the shrimp fishery. The parties requested a total of 52,000 tons of shrimp.

There is general concern that the recent increases in shrimp quotas may not be sustainable over the long-term. In addition, the industry is facing economic challenges from tough global competition, higher fuel prices, and a stronger Canadian dollar.

As such, the Minister of Fisheries and Oceans announced on March 23, 2006 that there would be no new allocations provided to individual parties. Rather, the increase was shared between existing enterprises based on current sharing arrangements.

PEI — New Brunswick Power Cable

Funding to support a new transmission cable from PEI to New Brunswick was announced by the previous Government only a few days before the election was called, without a firm commitment of funds.

ANSWER TO ORDER PAPER QUESTION TABLED

PUBLIC WORKS AND GOVERNMENT SERVICES— JEAN CANFIELD BUILDING

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 5 on the Order Paper—by Senator Downe.

[English]

THE SENATE

INTRODUCTION OF NEW PAGES

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I would like to introduce the last of the new pages who will work with us this year.

[Translation]

Throughout her childhood, Elise Desmarais lived in the small town of Contrecoeur, in the province of Quebec. After graduating from CEGEP, she travelled to England and Germany to improve her linguistic proficiency. Trained in first aid, she always likes facing new challenges. Elise is currently enrolled in her third year at the University of Ottawa, studying international studies and modern languages.

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Secondly, honourable senators, I am pleased to introduce one House of Commons page who is participating in the page exchange this week. Eric Rennie of Portage la Prairie in Manitoba is pursuing his studies at Carleton University's faculty of arts, where he is majoring in French and law.

• (1500)

ORDERS OF THE DAY

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Elizabeth Hubley: Honourable senators, I am pleased to participate in the debate on Bill S-4. There are two separate issues before us. First, there is the content and purported intention of the legislation, which we are asked to consider at second reading. Second, there is the approach to parliamentary form, which is inherent in the bill. Honourable senators, while I support in principle the concept of term limits, just as I do the prospect of a renewed and strengthened upper house, I completely disagree with the piecemeal and disingenuous reform process being offered by the present government.

Honourable senators, I must tell you that, as a member of the Special Committee on Senate Reform, I was somewhat disappointed with the report on Bill S-4 tabled in the chamber for our consideration. The committee, I believe, did good work under the capable chairmanship of Senator Hays and Senator Angus. We heard from a number of authorities in the fields of constitutional law and political science. However, I do not believe the report accurately reflects the views clearly expressed by several presenters that incremental piecemeal Senate reform is undesirable and that Bill S-4 is a transitional measure linked to a quasi-election process that has yet to be introduced. Perhaps it is worth repeating what Mr. Gordon Gibson, Senior Fellow in Canadian Studies, Fraser Institute, had to say on incrementalism:

The list of technical questions is long.... However, I put this question to you: Is it responsible to pass a...term limitation bill without the election information? It is clear to me that elections to the Senate would be unacceptable without term limits, which is presumably why the government introduced Bill S-4, but it is equally clear that term limits are unacceptable without an electoral system.

Mr. Gibson concluded:

I would suggest that respect for the Senate requires nothing less than that these issues be considered together.

Mr. Peter McCormick, Chair, Department of Political Science, University of Lethbridge, said that he did not like Bill S-4 very much. Mr. McCormick said before the Senate Reform Committee:

Bill S-4 on its own...does not help a thing....

You are cutting the pieces too small.

Another presenter, Mr. John Whyte, Senior Policy Fellow, Saskatchewan Institute of Public Policy, was very blunt in his assessment of Bill S-4. I quote from the official committee transcript:

...you are being urged to make this amendment because it is possible, and broader reform is either not possible or it will be possible once we make the initial modest change.

Here are my concerns about that strategy: First, it may not be legal. Second, we do not know that we cannot make constitutional change to the Senate....

Third, effecting this limited change will cause harm to Canada's democratic principles, I believe, and fourth, doing this and not doing more later on would do even more harm.

I urge Senate reform, not this gesture.

Mr. C.E.S. Franks, Professor Emeritus at Queen's University, also spoke against Bill S-4 as a stand-alone initiative. He said:

The two issues before the Senate deal with just two of many issues in Senate reform....I believe these four areas of reform are inseparably related to one another, and they need to be considered together.

Honourable senators, I will draw upon the words of one more presenter, Dr. Leslie Seidle, Senior Research Associate with the Institute for Research on Public Policy, who said before the committee:

From all that I have read, the government's staged approach does not seem to be linked to a vision of what the Senate might become once the stages of incremental reform are completed. Some of the stages have been announced but we do not know the destination....

We need to think about this and we need to give it particular consideration before we go further along the staged approach. Most fundamentally, we need to think about what the mission of the Senate should be in the 21st century.

Bill S-4 proposes an eight-year term for senators — which is a very specific change, honourable senators. I suppose we could just accept it at face value and forget about the broader implications and consequences. I suppose we could, as the government has asked, engage ourselves in the process, hold our breath and wait for the proverbial other shoe to drop. We could endorse a change in tenure now in anticipation of further reforms, in particular, a plan to elect senators at the provincial level, but surely this would be irresponsible and an abdication of duty on our part.

When the Prime Minister appeared before the Special Committee on Senate Reform, he displayed a candour that bordered on contempt. He pointed his finger at one time and made what Senator Angus has referred to as a “veiled threat,” implying that, if senators do not cooperate with his staged approach to Senate reform, he would be forced to seek consensus from the provinces and that the option preferred by the provinces is abolition. Honourable senators, I believe this is a misrepresentation of the provincial viewpoint. To me, it is also an offensive and preposterous position for a prime minister to take with respect to the serious and complex task of parliamentary reform.

In Canada, we have made the process of constitutional change difficult. In my view, this is not a bad thing. First ministers journey down a rocky and high-risk road in order to bring about necessary constitutional reform, and yet it is the only road that respects the covenants and jurisdictional understandings, agreements and traditions that bind our federation together. Put simply, honourable senators, if the Prime Minister is truly serious about parliamentary reform, then he will accept that such reform requires broad national discussion beyond this chamber and the involvement and participation of the provinces and territories.

The question is not whether the federal government can act unilaterally to reform itself but whether it should act unilaterally, given the history and conventions that define our federation. It is the spirit of the law and the cooperative nature of our federalism that the Prime Minister should be most concerned with and not the letter of the law and whether Bill S-4, as a unilateral initiative, is constitutional.

Honourable senators, I believe it is instructive to point out that four premiers, including the premier of my province of Prince Edward Island, the Honourable Pat Binns, have signaled their opposition to the federal government on Parliament unilaterally embarking on Senate reform. Premier Binns has reminded us of

the Council of the Federation's insistence that it be involved in any discussions or changes around Senate reform. Furthermore, in a written response to the special committee, Premier Danny Williams of Newfoundland and Labrador said:

It is critical that provinces and territories, as partners in the federation, be involved in discussions around an issue as important as the reform of the Senate. It is my view that Senate reform should not be undertaken in a piecemeal fashion.

It is abundantly clear, honourable senators, that Bill S-4 is one element of a package of reforms that is unknown to us. It is disingenuous; it is calculating; and it is more about politics than about statecraft. I have substantive concerns about Bill S-4 and about an eight-year term limit, not the least of which is the gravely increased costs of paying and pensioning senators that such a change would create. However, in my view, this and other questions are premature. We need to know where we are going before we begin the journey.

• (1510)

Honourable senators, I call upon the government to have the political courage to undertake Senate reform in an open and forthright manner. Our democratic institutions are not accidents of history; they embody the wisdom and intelligence of generations. They are never perfect and always can be made better, but we should resist piecemeal tinkering in response to the vagaries of public opinion or the partisan political agendas of any government.

Hon. David Tkachuk: Honourable senators, might I ask a couple of questions of the honourable senator?

Senator Hubley: Of course.

Senator Tkachuk: Both Senator Hubley and I were members of the Special Senate Committee on Senate Reform that studied Bill S-4. My understanding is that we extended an invitation to all the provinces to appear before the committee. However, none of the Atlantic provinces showed up to present their testimony to our committee. Perhaps the honourable senator could enlighten us as to why that happened. What information does the honourable senator have as to why they were not able to make their presentations to the committee?

Senator Hubley: I cannot tell whether their schedules would allow them a visit to Ottawa or not. I believe three of the provinces have responded in writing. In those presentations they have made their views clear as to how they would like to see Bill S-4 proceed.

Senator Tkachuk: My understanding is that Senator Hubley agrees with the report the special committee presented to the Senate chamber; is that right?

Senator Hubley: I believe the honourable senator knows that I presented some views prior to the study of the bill being completed. They were to be included in the report. I believe some of them have been included. However, I still have concerns, which is why I am speaking today. I wanted to bring forward more of the information some of the witnesses presented to us, something which is reflected in my speech today.

Hon. Charlie Watt: Honourable senators, I stand here today to speak to Bill S-4, which was referred to a special committee to study its subject matter. This bill proposes an eight-year term for future senators.

The committee was empowered to undertake the study to consider if the bill is constitutionally sound and does not require provincial consent. The amendment is the first stage of a more extensive reform leading to a process to select senators. Similar to other complex institutions, each element interacts and relies on others. It is neither democratic nor realistic to reform the Senate piece by piece.

If honourable senators look at the eight-year term proposition as a stand-alone measure, one does not need provincial consent according to what we heard from the witnesses. This opinion could be different if we look to Bill S-4 with a future process that is not yet known. As such, for any clear judgment to be made on Bill S-4, we need a more complete picture of the statement made by the Prime Minister indicating an upcoming bill.

During the course of examination, an important Aboriginal concern came to light with a helpful comment of Senator Dawson, who discovered that Nunavik, a region comprising the northern tip of Quebec, is not in a senatorial district and so its inhabitants are not legally represented in the Senate.

The reason for this situation is that Nunavik was not officially part of the province of Quebec when Senate seats were allocated in 1867. While the boundaries of Quebec were extended in 1912 to include the territory of Nunavik, it is clearly unacceptable that still today, 100 years later, Nunavik is not legally represented in the Senate.

Honourable senators, this is a question of democracy. What will happen when senators are elected? Will inhabitants of Nunavik be eligible to be senators?

All honourable senators understand the paramount concern is to ensure that all Canadians are represented in the Senate. This is an essential characteristic of the upper chamber.

Disregarding Nunavik would be contrary to the reasons on which the bill is based. As advocated by the Prime Minister:

Such reform will make the Senate more democratic, more accountable and more in keeping with the expectations of Canadians, who, as we all know, are not at all satisfied with the status quo.

He emphasized:

Canada needs an upper house that gives voice to our diverse regions. Canada needs an upper house with democratic legitimacy, and I hope that we can work together to move toward that enhanced democratic legitimacy.

Honourable senators, we cannot go further with this bill before we find a means to ensure that Nunavik is represented. We also cannot go further before we get to know other legislation concerning a process to select senators. We are in a situation where we have a car but no key.

A final issue I have with Bill S-4 is the lack of transitional accommodations. As we know, the purpose of this bill is to limit new senators to eight-year terms, while current senators will continue to be subject to the mandatory retirement age of 75.

It is obvious that the future process to select senators or other means will require a constitutional amendment with the consent of the provinces. We can assume that such negotiations will take many years. The problem is that at the same time the democratic representation of the Senate will dramatically shrink through retirement over the next few years. This transitional problem is something we need to address.

In closing, there are three major reasons why we should not proceed with Bill S-4 at this point in time.

First, we should not proceed until we get to know the other closely related piece of the reform.

Second, we should not proceed until Nunavik is legally represented in the Senate.

Finally, until the maintenance of the democratic characteristic of the Senate, through transitional accommodations, is assured, we should not proceed with the bill.

Honourable senators, for those reasons I propose that the bill itself be suspended until we see the next bill concerning the process to select senators.

Clearly, we cannot speak about democracy and vote on laws to promote our democracy while knowing that a large region of our country and its inhabitants are still forgotten. Therefore, the bill should not be read the second time and the subject matter and the report of the special committee should be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

The Hon. the Speaker: Honourable senators, a motion in amendment has been moved.

Hon. Anne C. Cools: Honourable senators, was it a motion or a suggestion?

The Hon. the Speaker: Senator Watt, did the chair understand correctly that the honourable senator has moved a motion in amendment?

Senator Watt: I moved a motion that the bill not be read the second time but that it be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

• (1520)

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Watt, seconded by the Honourable Senator Adams, that the bill —

Senator Cools: Point of order. Honourable senators, at first I thought Senator Watt was making a proposal or a suggestion. I did not realize he was moving a formal motion. His Honour is treating it as a formal motion. Is that what Senator Watt had intended? My understanding of the motion is that he is asking that the bill and the subject matter be sent to the Standing Committee on Legal and Constitutional Affairs?

Senator Watt: Yes, in the proper time.

Senator Cools: You cannot make a motion now about events in the future. The bill has not yet had second reading.

The Hon. the Speaker: Honourable senators, the question before the house at this moment is the motion of the Honourable Senator LeBreton, seconded by the Honourable Senator Comeau, for the second reading of Bill S-4. Therefore, we are at second reading, which is usually on the principle of the bill. Since we are debating only the principle of the bill, we do not amend a bill at second reading. As I have not put the question, there has been a suggestion made, and perhaps Senator Watt would be satisfied that the record shows that he has made this suggestion and, when we reach a different stage, wishes to move that amendment. It would be in order then.

Senator Watt: That is correct.

On motion of Senator Milne, debate adjourned.

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Consiglio Di Nino moved second reading of Bill C-16, to amend the Canada Elections Act.

He said: Honourable senators, I am pleased to begin debate on second reading on Bill C-16, to amend the Canada Elections Act to provide fixed dates for general elections. This bill honours a Conservative Party commitment made during the election campaign.

First, I note that Bill C-16 has been passed in the other place without amendment with all-party support. A range of expert witnesses appeared before the Standing Committee on Procedure and House Affairs in the other place. The committee heard from the Chief Electoral Officer, representatives of political parties, academic experts, the Leader of the Government in the other place and the Minister for Democratic Reform.

While there were minor differences on some details of the bill, I was struck by the fact that all parties supported the fundamental rationale of the bill. I believe they all shared a view that elections belong first and foremost to the people of Canada, the electorate, and that no party should be permitted to exploit the timing of an election to benefit the party's electoral fortunes. All parties also agreed with the principle that the timing of elections should not be left to the Prime Minister but should be set in advance so that all Canadians will know when the next election will occur. This knowledge will help erode the scepticism and cynicism Canadians have shown in recent years towards politics and politicians.

[Translation]

Honourable senators, I will start by describing the current procedure for calling a general election and examine some of the difficulties involved. Then, I will address the many benefits

associated with fixed date elections. Finally, I will outline the provisions contained in Bill C-16.

[English]

Today, it is the prerogative of a Prime Minister whose government has not lost the confidence of the house to determine what he or she regards as a propitious time for an election to renew the government's mandate. The Prime Minister then requests dissolution from the Governor General and, if the Governor General agrees, the Governor General proclaims the date of an election. We have a situation where, behind closed doors, the Prime Minister can choose the date of the general election not necessarily based on the best interests of the country but the best interests of the governing party. Bill C-16 will address this problem and will produce many other benefits.

Honourable senators, before going into the details of the bill, allow me to discuss the key advantages of fixed-date elections. Fixed-date elections will provide for greater fairness in election campaigns, greater transparency and predictability, improved governance and higher voter turnout. Fixed-date elections also will help to attract the best qualified candidates to public life.

First, I will discuss the issue of fairness. Fixed-date elections will help level the playing field for those seeking election. With fixed date elections, the timing of general elections will be known to all and not just the Prime Minister and a few confidants. Since the date of the next election will be known to all political parties, each party will have an equal opportunity to prepare for upcoming election campaigns. Instead of the governing party having the advantage, an advantage the party may have over other parties for several months, the passage of this bill will put all parties on an equal footing. It is not only fair but also right that each party have equal time to prepare for elections.

Another key advantage of fixed-date elections is transparency. Rather than making decisions about election dates secretly behind closed doors, general elections will be set in advance as prescribed by this bill. Once the bill is passed, the date of each election will be known by all Canadians.

Predictability is also a key advantage of fixed-date elections. Canadians and political parties alike can rely on our democratic election system working in an open and predictable fashion. Appropriate plans can be made on a reliable basis to prepare for and respond to fixed-date elections.

[Translation]

Honourable senators, fixed date elections will improve governance. For example, fixed date elections would provide for improved administration of the electoral machinery by Elections Canada. In majority government situations, the Chief Electoral Officer would know with certainty when the next election would occur and would be able to plan accordingly. This would almost certainly promote greater efficiency at Elections Canada and, therefore, would very likely save money.

[English]

Political parties will also likely save money, as they will not need to remain on an election footing for extended periods of time.

Moreover, fixed-date elections will allow for better parliamentary planning. For example, parliamentary committees can set out their agendas well in advance, which will make their work, and Parliament as a whole, more efficient.

Yet another reason for adopting fixed-date elections is that this measure likely will improve voter turnout. Because elections will be held in October, except when a government loses the confidence of the house, fewer people will be transient. Again an example, most students will not be in transition between home and school and will be able to vote. I predict many more will. Moreover, seniors will not be deterred from voting as they might be in colder months. Of course, citizens will be able to plan in advance to participate in the electoral process, arranging for advance voting if they plan to be away, and indeed many will plan their absences in order to vote.

• (1530)

An additional benefit is that pre-election campaigns to “get out the vote” will be better prepared, as the organizers will know exactly when the next general election will take place and plan accordingly.

Finally, I want to mention a most important additional advantage. Fixed-date elections will help to attract more of the best-qualified Canadians into public life. Those who are considering public service as parliamentarians will be better able to plan and arrange their lives and schedules, resulting in many more talented Canadians entering public life. I believe that fixed-date elections can only help in attracting the most qualified individuals to public service.

[Translation]

Honourable senators, I would now like to talk about the provisions of the bill.

A bill that provides for fixed-date elections must be structured so as to comply with the constitutional realities of a responsible government. It should include a provision stating that the government must have the confidence of the House of Commons and a provision to ensure that the bill will not affect the Governor General's power to dissolve Parliament. The bill that is before us was carefully drafted to meet these constitutional requirements.

Consequently, the bill in no way changes the requirement that the government must maintain the confidence of the House of Commons. In addition, the practices regarding the loss of the confidence of the House are maintained. In particular, the Prime Minister's prerogative to recommend that the Governor General dissolve Parliament is maintained, in order to allow the Prime Minister to recommend dissolution if the government loses the confidence of the House.

The bill also expressly states that the Governor General's powers remain unchanged, including the power to dissolve Parliament at the Governor General's discretion.

[English]

As set out in the government's platform, this bill is modelled after existing provincial fixed-date elections legislation. This

legislation is very similar to the approach used by British Columbia, Ontario, and Newfoundland and Labrador.

Honourable senators, it should be noted that the legislation in all of these provinces is working well. British Columbia recently had its first fixed-date election, on May 17, 2005, and Ontario and Newfoundland and Labrador will soon have theirs on October 4, 2007 and October 9, 2007, respectively. In British Columbia, there was certainly no evidence of what some critics have called a lame-duck government.

[Translation]

The bill sets Monday, October 19, 2009 as the date of the next general election. Needless to say, this will be polling day only if the government maintains the confidence of the House until then.

[English]

For example, if the government were to be defeated tomorrow, a general election would be held according to normal practice.

Senator Mercer: Good idea.

Senator Di Nino: You might have a chance. Just keep it up.

However, the subsequent election would be scheduled for the third Monday in October in the fourth calendar year after the election, and that is the model that would be established by this bill. General elections will occur on the third Monday of October and the fourth calendar year following the previous general election. The third Monday of October was carefully chosen because it was a date that was likely to maximize voter turnout and be least likely to conflict with cultural or religious holidays or with elections in other jurisdictions.

[Translation]

That brings me to another aspect of the bill that I want to bring to your attention: the possibility of setting a different day for polling in the event of a conflict with a major religious or cultural holiday or with an election in another jurisdiction.

[English]

In the current system, the date of the general election is chosen by the government, so it is rare that a polling day is chosen that comes into conflict with such dates. However, with legislation providing for fixed-date elections, there is a possibility that in the future the stipulated date will occasionally be the same as a day of cultural or religious significance or an election in another jurisdiction.

The Ontario fixed-date elections legislation provides that if there is such a conflict, the Chief Election Officer may recommend an alternative polling day to the Governor-in-Council up to seven days following the day that would be otherwise polling day. Using a variation of the Ontario legislation, this bill empowers the Chief Electoral Officer to recommend an alternative polling day to the Governor-in-Council should he or she find that the polling day is not suitable for that purpose. In such cases, this bill provides that the alternative day be either the Tuesday or the Monday following the Monday that would otherwise be polling day. I hope that is as clear as mud.

Allowing alternative polling days to be held on the following Tuesday or Monday is consistent with the current practice of holding elections on a Monday or a Tuesday.

Honourable senators, a number of individuals have had concerns that this bill is illusory in that the Prime Minister can call an election at any point until the fixed date for the election. However, the Prime Minister has retained his prerogative to advise dissolution to allow for situations when the government loses the confidence of the House. I might add that I also believe Parliament should have the right to demand an election from the Prime Minister if he or she loses the confidence of the House. This is a fundamental principle of our system of responsible government. Moreover, if the bill were to indicate that the Prime Minister could only advise dissolution in the event of a loss of confidence, it would have to define "confidence" and the dissolution of Parliament would be justiciable in the courts, something I strongly believe none of us wants.

Colleagues, this bill providing for fixed-date elections is long overdue in Canada and is another step in the democratic reform process. In June, Ipsos Reid released the results of a poll which indicated that 78 per cent of Canadians support the government's plans to provide for fixed-date elections.

Another important reason for choosing the third week in October is that it is Citizenship Week, when we celebrate what it means to be Canadian. Of course, fundamental to being a Canadian citizen is our civic responsibilities, including the exercising of a most important privilege, a duty to vote. It is fitting, then, that general election dates will be set for the third Monday in October.

• (1540)

[Translation]

Honourable senators, fixed-date elections will promote equity, increased transparency and predictability, better policy planning and greater voter participation. It will also help attract to public life those Canadians who are most qualified.

I hope my colleagues will join me in supporting this bill, and I also hope it is passed as quickly as possible.

[English]

Hon. Joan Fraser (Deputy Leader of the Opposition): Will Senator Di Nino take a question or two?

Senator Di Nino: Absolutely.

Senator Fraser: I see a more experienced politician than I also rising to ask questions.

As everyone here knows, I have no experience in organizing elections, political financing or any of those things. Nonetheless, I have learned to be careful about the law of unintended consequences. When one looks at a system of fixed election dates, even one carefully designed like the one the honourable senator outlined, one immediately thinks of the American experience. One thing that has always struck me about the American experience is that, because everyone knows when

election day is, advantage goes to the person who starts their campaign earliest — at least, it is perceived to go to the person, group of people or party who starts their campaign earliest — which ends up putting their system into a permanent campaign mode. Why would that not happen here?

Senator Di Nino: I thank the honourable senator for that question. First, I urge her to be more involved in organizing campaigns, raising money and doing all those things that probably most people in this chamber have been doing for a long time. It is not necessarily fun, but it is part of the democratic process. Frankly, whenever I have an opportunity to preach on this issue, I say that without our participation the system is weaker. I apologize for the preaching there, but I think that involvement in campaigns is an important component of the democratic system. We who are there and involved, not only in this forum but also out there, have an opportunity to influence the issues that the candidates or the party that we work with espouses for the benefit of Canadians.

To answer the question directly, what is the difference between what we have and what the Americans have, I am sure you would agree that the day after someone is elected to public office, the campaign for the next election starts. It is not as apparent or as all-consuming as during an election campaign, but I maintain that a good politician, besides doing the right thing to help their re-election, should also do things in a manner that would enhance their chances of being re-elected. Frankly, I do not see a great deal of difference between having a fixed-election date and not knowing when the election date will be. On the contrary, if we have a fixed-election date, maybe the tendency to start the election campaign the next day may not be as strong in that at least there are four years or maybe a little more, depending when the previous election was. In the system we have now, frankly, as many of our colleagues in the chamber will tell you, the election campaign would start, if not the day after, the week after the previous election. I do not really think it makes much difference.

Senator Fraser: Thank you for that. It will add to my reflection as we move forward.

I work for my party in elections. I am proud to do that, but I do so at a modest level. I phone.

Senator Di Nino: That will change.

Senator Fraser: I edit documents that people might think need a former editor's eye attached to them and that kind of thing. No one in their right mind would ask me to be involved in political strategizing at the highest level. When they do ask, they do not pay any attention to what I say anyway, so it does not matter.

I want to stress that I agree with Senator Di Nino. It is one of the highest duties a citizen has, namely, to care about the governance of their society. I am proud to be involved at however modest a level in that process.

Senator Di Nino: To conclude, if I was someone on the honourable senator's side of the house and was looking for someone to help me strategize, after what I have seen, I would go to the honourable senator.

[Senator Di Nino]

Hon. Serge Joyal: Would the honourable senator entertain another question?

Senator Di Nino: Absolutely.

Senator Joyal: Thank you. I would like to bring to the attention of the honourable senators two sections of our Constitution that, in my opinion, relate to Bill C-16 and especially to paragraph 56.2 of the new Elections Act. I would like to read you section 50 of the Constitution. I address my question while looking at my colleague Senator Murray at the same time.

Section 50 of the Constitution of Canada is titled: "Duration of House of Commons." It states:

Every House of Commons shall continue for Five Years from the Day of the Return of the Writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

In the Canadian Charter of Rights and Freedoms, I would like to read to you section 4(1), which states:

No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs of a general election of its members.

In subparagraph 4(2), under "Continuation in special circumstances", it states:

In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.

If I understand the implication of the amendments that are brought to the Electoral Act of Canada, we are changing section 50 of the Constitution and section 4 of the Canadian Charter of Rights and Freedoms because we would reduce the maximum life of Parliament to four years while both in section 50 of the Constitution and in section 4 of the Canadian Charter of Rights and Freedoms the maximum life of the House of Commons is five years. We would, in a way, amend the Constitution.

In terms of section 50, maybe it is possible under section 44 of the Constitution; that is another debate we are having around Bill S-4. In relation to the Charter, however, that is another issue. There is a specific procedure in the Constitution with regard to amending the Charter. Therefore, section 50 of the Constitution and section 4 of the Charter have the same effect. I remember well when we had the discussion around section 4, some 26 years ago now. We wanted to be sure that there is a parallel between section 50 and section 4 of the Constitution. As much as I could contend that we can amend section 50 because it deals with the House of Commons, one of the two Houses of Parliament,— and it is not an amendment that goes beyond the scope of section 44 even though we would have to investigate that — at the least, it runs contrary to section 4 of the Charter, which is beyond our limit as a Parliament acting alone.

I listened carefully to the honourable senator in his presentation of Bill C-16, but nowhere did he mention anything in relation to those two sections of the Constitution that seem to me to be of prime importance.

• (1550)

Senator Di Nino: I will not engage in a debate on the Constitution. Many learned people can do that much better than I. That issue should be dealt with at committee with the appropriate expert witnesses. Having said that, listening to what Senator Joyal said — and I did read it; I have some notes that were prepared for me — they talk about maximums. They do not talk about a date of five years. The wording, to me, says that it shall be no more than five years. We are also governed by conventions in this country, and the accepted convention has generally been a four-year period. For those of us who have been around long enough, there is an expression that we use on a regular basis, which is "four more years." We are trying to make it at least four instead of five. I believe that is also covered by convention, but I think it is an excellent question to ask some of the expert witnesses we should invite when we study this bill in committee.

Senator Joyal: I do not want to extend the debate, but I wish to point out to the honourable senator that section 50 of the Constitution Act, 1867, states that "Every House of Commons shall continue for Five Years," so the duration is five years. Of course, as many honourable senators who have served in the other place know, there have been shorter periods. However, I remember that the election of 1979 was called way beyond the four-year limit of what Bill C-16 is proposing, so there have been instances not that long ago whereby a House of Commons has sat for more than four years. It is not a convention that is written in stone. As honourable senators know, a convention cannot change the precise letter of the Constitution unless we go through the amending formula that applies in the specific circumstances.

Honourable senators, this issue is an important one and might not have been dealt with fully in the other place. They are more concerned with the results of the election than with the letter of the Constitution, but in this place, at least, sometimes we are more concerned by the letter and the spirit of the Constitution than by the election, which is the proper duty of this place. However, having had the opportunity to study the bill, honourable senators might want to come back at the committee stage or at a later one where we could do in-depth studies of this important issue.

The preamble of the Constitution states quite clearly that we are to have a constitution similar in principle to that of the United Kingdom, and the fundamental principle of their constitution is responsible government. The principle of responsible government is that when confidence of the House is lost, Parliament is dissolved automatically. The difference with the congressional system south of the border is that the government survives any vote in the House of Representatives or in the Senate.

Responsible government is a fundamental principle enshrined in the institutional principle that governs Canada. It seems to be easy to tackle, but there is a fundamental reality here that we might want to address when we go on with this bill.

Hon. Terry M. Mercer: Perhaps the honourable senator will permit one or two more brief questions. It amazes me that every time we bring forth a bill about elections, specifically about dates of elections, we do not combine it with other issues. For example, as far as I am aware, there is no reference to voter registration. One of the problems with a permanent voter registry is that of registration. We rely heavily on provinces and municipalities to do some of the work for us through the registration and licensing of cars and drivers, et cetera, but there is no reference to it in this bill. One of my pet peeves is that on election day we have huge numbers of people registering, and I would contend that most of those ridings are won by the New Democrats. Honourable senators can read into that comment whatever they want because their conclusion is the same as mine. There is no method for political parties or for the Chief Electoral Officer to confirm that those people actually live where they say they live on election day or to confirm that those people actually exist.

My contention is that at some point in time we have to make provision in a bill for the Chief Electoral Officer to send, on the day after the election, a business reply card to every one of those new people on the list. The envelope is filled out as a register and mailed the next day to the post office with an instruction to return to sender if undelivered. We might be surprised to find out how many people may be abusing the system. Again, I have a theory as to where that is coming from, but I would like to hear the honourable senator's opinion.

I also think that a set review period is missing from the bill. We can say that we can review the legislation after each election, but we need a time to say that we have had this once. It then has to come back to Parliament, either this chamber or the other place. We would sit down after we have gone through a period where we had a fixed date election to consider whether it worked in relationship to what is an honourable intention by the government to help streamline the system. We would have a debate and not leave it entirely up to the Chief Electoral Officer to inform us of the technical aspects.

My last comment is more to Senator Fraser than to Senator Di Nino: I remind everyone that the last day of one election is the first of the next.

Senator Di Nino: I have sympathy with both of the issues that the honourable senator has raised. This government bill is a simple one. It talks about setting a date, gives reasons for setting a four-year date for elections and gives a specific date with some flexibility to accommodate certain situations that cannot be foreseen. It is not a bill that we have put together so that we can tinker with it. Also, once we start expanding the bill into the area of running an election and all of those details, it will be a much more complex bill than it is now.

I must agree with the honourable senator that the current system is abused, but I would put it in stronger terms. I will not point fingers at any particular party, but there have been abuses of the system and the controls should be a little tighter. I have no problem with that.

I read something either today or yesterday that had to do with one of the leadership campaigns of the Liberal Party hopefuls. I do not mean to pick on them, but the article stated that two dogs and a dead person appeared on someone's list of voters.

Although I have sympathy, I do not think that is the intent of this bill. Perhaps my good friend Senator Mercer should think about creating a private member's bill that we can support, particularly folks like he and I who have been around for a long time and have some experience in this field.

Hon. Hugh Segal: Would Senator Di Nino entertain another question?

Senator Di Nino: Yes.

Senator Segal: I should like to amplify what Senator Mercer spoke about a moment ago. Part of the case that has been made by the Chief Electoral Officer for the so-called permanent list and the eradication of the enumeration process for which Canada is so well known is that the only way the Chief Electoral Officer can possibly prepare for election dates that are not fixed is to have permanent lists which are composites of provincial, municipal and other lists. We know that in the last two elections in excess of 1 million Canadians were left off those permanent lists and had the positive obligation of identifying themselves on election day; therefore, many of them did not vote.

• (1600)

Should the bill that the honourable senator is championing on this date pass this place, would he be prepared to make representations to the government that we should reinstitute the enumeration process, so that we once again go back to the principle that the major political parties and volunteers in the ridings go door-to-door seeking electors to ensure the lists are accurate, contemporary and reflect the desire we all have for the broadest popular participation in our electoral process?

Senator Di Nino: The involvement of Canadians in the system — and the more Canadians involved, the better, I believe — is a positive expression of democracy. It is part of a democratic process that I think enhances the participation not only in the political system but also during the most important day, the day that we actually cast our ballots.

I shall make a suggestion to Senator Segal as I did to Senator Mercer. He may want to have a motion prepared to that effect that I would be happy to contribute towards as a participant. We can then ask the chamber to approve it and send it to the government.

Hon. Jeremiah S. Grafstein: I wish to ask a brief question of Senator Di Nino.

Senator Joyal brought to honourable senators' attention a constitutional problem. I want to go back over that ground briefly because it appears that, *prima facie*, on a clear reading of both the Constitution and this proposed act, they are in direct conflict. When there is a direct conflict *prima facie* in the clear wording — and it is not only *prima facie*, but it is *res ipsa loquitur*, that is, it speaks for itself — it is clearly unconstitutional.

I shall repeat the wording again, so that each senator, in reading the proposed legislation, will learn that there is a clear problem. Therefore, where there is a clear problem, we must cede to the Constitution. The Constitution, as pointed out by Senator Joyal, is very clear.

Section 50 of the Constitution Act, 1867 to 1982, in a copy published by the law officer of the Crown, the Department of Justice, states:

Every House of Commons shall continue for Five Years from the Day of the Return of the Writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

There is a legislative explanation and note about the history of this particular provision.

Proposed section 56.1(1) of the Canada Elections Act reads as follows:

Nothing in this section affects the powers of the Governor General, including the power to dissolve Parliament at the Governor General's discretion.

That appears to fall within the four corners of section 50, that portion of section 50 that is in brackets.

However, proposed section 56.1(2) of the Canada Elections Act, which goes to the heart of this bill, states:

Subject to subsection (1), each general election must be held on the third Monday of October in the fourth calendar year following polling day...

On the one hand, the Constitution states "shall continue for Five Years," while on the other Bill C-16 states "must be held...in the fourth calendar year." They are both mandatory provisions. The words are not "may" or "could" or "would" or "will." It states shall" on one hand and "must" on the other hand.

On the clear face of it, this is not something that we need refer to law officers of the Crown. This appears to be a preponderance of evidence that the bill, on the face of it, is unconstitutional and therefore makes it very difficult for any senator, he or she, to render this bill in principle on second reading.

Senator Di Nino: I thank the honourable senator again for the question.

As I stated to Senator Joyal, this is an issue we could direct to those more qualified than I to answer. I respect both of my colleagues.

Having said that, I was searching for a reference. I try to read all information, including the deliberations of the House and the committees. I cannot find the reference right now, but at some point there was a question raised about the constitutionality of the conflict the honourable senator refers to. It has apparently been raised either during committee or debate in the other place, and it was felt that it was not offending the Constitution. I cannot provide the rationale, however.

I shall take it upon myself to ensure that the issue is one that will be dealt with and looked at during committee hearings.

Senator Grafstein: I have a final comment, honourable senators.

We have had a number of bills that were flushed through the other place quickly and we were advised that those bills, at

the time, satisfied the law officer of the Crown as to their constitutionality. To our amazement, when we argued the same point in this chamber, we discovered that this chamber was satisfied with the law opinions in the other place. When the disputed legislation went up to the Supreme Court of Canada, they agreed with some of us on this side who disagreed with that legislation.

I would not accept what the other place decides on the issue of constitutionality. The real question is a *prima facie* question for the senators sitting in this chamber as to whether or not on the face of it — there is no dispute here; there is a clear difference in the language of the Constitution on its face and this bill. They are in conflict. One says five years, the other says four years. Both utilize mandatory language, and there is a clear conflict and confusion.

It does not take a lawyer to understand this. When there is a conflict in legislation on its face between the Constitution of Canada and a subordinate piece of legislation, the subordinate legislation is flawed and unconstitutional.

Senator Di Nino: I do not think there was any disagreement on my part that we should be looking at this. The honourable senator asked why we were accepting this. I never suggested we were accepting it.

I recall reading in the material that — as honourable senators know, these things can become quite extensive — the question of constitutionality had been raised. I do not recall the exact wording of it, but apparently the other side seemed to be satisfied.

With that said, it is our job to complete the required due diligence that comes with the responsibility of this chamber. We will achieve that as we go forth before the proposed legislation passes.

[Translation]

Hon. Jean Lapointe: My question is for Senator Di Nino. Senator Di Nino, who is responsible for changes to the Constitution?

Senator Di Nino: That is an excellent question.

[English]

That depends on the issue. I am not qualified to answer that.

However, the Constitution generally reflects the amending formula established on the changes. My amateur understanding is that, if one changes the Constitution, the Victoria formula is utilized, which I believe is seven provinces representing 50 per cent.

Senator Carney: No, no!

Senator Di Nino: However, that is not a question I can answer. The honourable senator will have to ask my learned friends to provide a response.

[Translation]

Senator Lapointe: That is why I wanted to put my question to the honourable senator on the other side.

The Hon. the Speaker: Senator Di Nino's time is up.

Senator Lapointe: Am I allowed a comment?

The Hon. the Speaker: Senator Di Nino's time is up. If you have a question for Senator Di Nino, then he must ask for an extension of time.

Senator Lapointe: Honourable senators, I would need only five seconds.

• (1610)

[English]

Senator Di Nino: Our colleague wants to make a comment and he is able to do that in debate. He does not need my permission.

[Translation]

Senator Lapointe: Honourable senators, my question will be very brief. I do not know who makes changes to the Constitution. I know that Senators Joyal and Grafstein would be able to answer my question.

All I know is that the Constitution has existed since 1867. Take the example of the National Hockey League. It was headed straight for bankruptcy until its officials decided to bring about some changes, and now the league is doing much better. It is high time that those who are responsible for the Constitution get together to amend it, so that it is better adapted to the realities of the 21st century.

[English]

Senator Fraser: Honourable senators, with leave of the Senate, I would like to suggest that we not consider Senator Lapointe's passionate and very interesting remarks as the official time normally given to the second speaker in a debate, but that time be reserved for Senator Cowan, who is the official critic on this side on this bill.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I am really tempted to say no, that Senator Lapointe did in fact take the 45 minutes, but I will set the tone for the next few weeks by saying we will agree to that request.

On motion of Senator Cowan, debate adjourned.

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Di Nino, for the second reading of Bill C-19, to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act.

Hon. Jean Lapointe: Honourable senators, I want to thank Senator Di Nino for being so incredibly helpful. The pages are very efficient. With all the water and coffee I drink here and in my office, I needed help and Senator Di Nino rushed to accommodate me because 30 seconds later I would have ended up with a nosebleed.

Honourable senators, I am pleased to speak to Bill C-19. The purpose of this bill is to amend the Criminal Code and to make a consequential amendment to the Corrections and Conditional Release Act with regard to street racing.

From the outset I must point out in a non partisan manner that this is one of the first bills, if not the first bill, from the Conservative minority government that does not give me the impression it is trying to score political points, and I commend it for that.

I agree with the principle of Bill C-19 since too many lives are at risk when such activities occur in the streets of our neighbourhoods. Our citizens, from coast to coast, have the right to walk safely in our streets and should not have to worry themselves sick about some imbeciles who race on our public roads at excessive speed. After all, we pay enough taxes to have the right to this sense of tranquility when we leave our homes.

That being said, honourable senators, I will vote in favour of Bill C-19 on condition that a small change is made to its wording. I am having trouble with the interpretation of the words "street racing".

I would find it completely unacceptable for charities, which use rallies to raise funds, to be given tickets or even prison sentences should an accident causing death occur. I do not think that is the purpose of this bill at all.

Sometimes cars are driven on the highway at speeds way above the limit. One might think the drivers are having a race, but the truth is that most of the time, they do not even know each other. So if a police officer arrests them, can that officer interpret the law and say that, according to Bill C-19, those drivers were racing? I should hope not.

It is because of examples like these that we have to come up with a more thorough definition of "street racing". I therefore propose that the committee that will be studying the bill amend the definition to eliminate any ambiguity. I would suggest to the committee that, perhaps at third reading, the words "premeditated" and "organized" be added to the definition of "street racing".

Bill C-19 would therefore apply only to operating a motor vehicle in a premeditated, organized race with at least one other motor vehicle on a street, road, highway or other public place. I think this clarification would improve the bill and would not detract from its worthy goal.

[English]

Hon. Larry W. Campbell: Honourable senators, I would like to speak against the amendments with regard to street racing. Those involved with street racing know that much of the street racing involves two people who do not know each other but have fast cars and want to race each other. In a court of law the burden of proof lies with establishing that they were involved in street racing

per se. Unless I misunderstand, it is the action, not whether the people know each other, that we are trying to address here. I may have misunderstood Senator Lapointe, but I think he said that in many cases they do not know each other. They may both be at a red light, give the nod and the race is on. That is what I am told anyway.

[Translation]

Senator Lapointe: Honourable senators, we must make a distinction between people who do not know one another and organized races. If you are driving to Montreal at 130 km/h and a stranger pulls up beside you driving at 132 km/h, and the two of you begin racing, driving at speeds up to 160 km/h, such scenarios are not what is at issue here.

Our concern here is organized street racing, when people challenge one other. That is the greater danger in our society. Many people have died because of organized street racing. This is my understanding of the bill proposed by Senator Oliver, the sponsor of this House of Commons bill. It does not refer to people who speed in regular traffic.

[English]

Senator Campbell: I spent considerable time in law enforcement and it is fair to say that if someone comes up beside me, gives the nod, we go up to a speed of 160 and have an accident, that is street racing. Street racing, for the most part, is not organized.

Most races involve two people driving down the street in hot cars, they give a nod and away they go. That is how most of these people end up in accidents. It is not as if everyone gets together and says, "On Saturday night, we will go to a specific spot to race," although certainly that does happen. However, for the most part, what we see are races conducted on the streets of our city by young people in fast cars who do not know how to drive.

• (1620)

If you are on the highway and suddenly you get into a race, it can start at 130 and go from there. I think if we limit it, the courts will throw it out. They will say that it is not definitive enough, that it is too broad.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I would like to ask Senator Lapointe a question. Can he go back to his second suggestion? At the end of his speech, he seemed to be saying that some degree of consent between the competitors is necessary. Is that what he was trying to say?

Senator Lapointe: Honourable senators, I believe that Senator Oliver is much more familiar with the situation. When I heard his speech the other day, I was very moved by what he said. That is why I wanted to adjourn debate, in order to support Senator Oliver.

As for the technicalities, I did my best. I may have made mistakes, but what is important is putting a stop to this social evil that is street racing. There is no doubt that if two people who do not know each other drive at speeds of 220 km/h on the highway and one of them kills a taxi driver, that individual deserves to go to prison, period.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Acting Speaker: Honourable senators, it was moved that Bill C-19, to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act, now be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: When shall this bill be read the third time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move that this bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[English]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, before this matter is stood, I seek leave from the Senate to table three letters that were submitted to the Special Senate Committee on Senate Reform. They are from the Premier of the Province of Newfoundland and Labrador, the Minister of Government Relations for the Province of Saskatchewan and the Premier of the Northwest Territories. They are simply letters that were submitted to the committee. They were not appended to the report, and I would like to table them so that they form part of the public record.

The Hon. the Acting Speaker: Is permission granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

NATIONAL PHILANTHROPY DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-204, respecting a National Philanthropy Day.—(*Honourable Senator Mercer*)

Hon. Terry M. Mercer: Honourable senators, I urge you to strongly support the National Philanthropy Bill, Bill S-204, as introduced by my honourable colleague, Senator Grafstein.

In the last session, I heard comments by members in this place who seemed to misunderstand the value of what this bill is trying to achieve. These misconceptions and misunderstandings about philanthropy are reasons enough to support this bill, and in that way we may educate those here — and indeed all Canadians — in the value of charity.

National Philanthropy Day occurs annually on November 15. It is a special day set aside to pay tribute to the contributions that philanthropy has made to our lives, our communities, our nation and our world. National Philanthropy Day acknowledges the entire spectrum of services provided by the voluntary sector. It recognizes the profound impact that philanthropy has on the fabric of Canadian society.

More than 50,000 people at over 125 events across North America participated in National Philanthropy Day celebrations last year. They are still counting the numbers for this year. In Canada, National Philanthropy Day events are held from St. John's to Victoria and involve thousands of Canadians. In fact, I had the honour to host an event on Parliament Hill last year as Chair of the Association of Fundraising Professionals Foundation for Philanthropy in Canada to encourage my fellow parliamentarians to support our efforts to have this day officially recognized.

Honourable senators, government can have a tremendous impact on public behaviour. The creation of a government-recognized day would send a powerful message to the public that charitable giving and volunteering are critical to our society. It would increase the awareness of non-profit organizations and the important role they play in Canadian society. We should encourage more people to increase giving and volunteering. We also could use this avenue to direct interested individuals to non-profit organizations they might want to support.

Recognizing National Philanthropy Day through encouraging philanthropy is important for several reasons. Giving to charity can help ease federal and provincial budget pressures. After all, the more money non-profit organizations receive from public donations, the less government funding they will need. Giving encourages citizen responsibility and creates strong societal bonds. When people give, they are investing part of themselves in a community and its future. It brings people together who might normally have nothing in common by focusing them on a common goal.

We also could further strengthen the growing partnership between the federal government and the volunteer sector. I have compiled quite a list of senators who work in the charitable field.

Senator Atkins is active in the Canadian Diabetes Association; Senator Bacon with OXFAM Quebec; Senator Champagne with L'Institut québécois du cinéma and l'Union des artistes; Senator Callbeck with Camp Abbey and the P.E.I. Business Women's Association; Senator Carstairs is involved with the Kinsmen, UNICEF, the mentally handicapped and, of course, palliative care; Senator Cook with the Pottle Centre, a non-profit societal centre for mental health; Senator Cools is involved with organizations the help battered women and families troubled by domestic violence; Senator Cordy in the Phoenix House a shelter for homeless youth in Metro Halifax; Senator Fairbairn with Friends of the Paralympics, a group she founded to raise money for the Canadian Paralympic Committee and, of course, her support for many literacy groups; Senator Fox's interest in the Montreal Museum of Fine Arts and Tennis Canada; Senator Kinsella, the Speaker, is interested in human rights and international justice; Senator Di Nino in the Distress Centre of Toronto and Crime Stoppers; Senator Furey for Boy Scouts of Canada; Senator Hays for the Calgary District Foundation, as well as the Calgary YMCA; Senator Jaffer has interests in the YWCA; Senator Lapointe in the Jean Lapointe Foundation, which fights alcoholism and other addictions in Quebec; Senator LeBreton for her interest in health and mental health issues and, of course, an organization that we all support that is very close to Senator LeBreton, which is Mothers Against Drunk Driving; Senator Merchant and her support of Canadian Parents for French and her interest in immigrant women, particularly in the Greek community; Senator Nancy Ruth for her interest in LEAF, Women's Legal Education and Action Fund; Senator Angus for his interest in St. Andrew's Presbyterian Homes Foundation, a Montreal residence for senior citizens; Senator Munson's interest in Child and Youth Friendly Ottawa and the Paralympics and, of course, autism; Senator Dallaire's interest in the Search for Common Ground and the Displaced Children and Orphans Fund; Senator Johnson's interest in the Gimli Film Festival; and Senator Campbell's interest in the Cycle for Spirit for children's charities. As honourable senators can see, charities help Canada grow in a variety of ways: health care, the arts, human rights, youth literacy, and the list goes on and on.

• (1630)

A federally recognized national philanthropy day is especially important in this new era of budget cuts and cuts to special programs. Volunteers and charitable giving are needed now more than ever. Honourable senators, recognition of national philanthropy day positions the government as a key supporter of a segment of society that the public already strongly supports. There is numerous evidence that the public believes non-profit organizations do critical work, yet the public still feels that there is much more they can do. According to a recent study by the Muttart Foundation entitled, *Talking About Charities 2006*, a public opinion poll to survey Canadians on their views about charities and issues affecting charities, 90 per cent of Canadians believe that non-profit organizations are becoming increasingly important to Canadians; 79 per cent believe that non-profit organizations understand the needs of the average Canadian better than government; 69 per cent believe that non-profit

organizations do a better job than government in meeting the needs of the average Canadian; and 59 per cent of Canadians believe that non-profit organizations do not have enough money to do their work.

It is not difficult to see how our simple efforts in this place to pass Bill S-204 would mean a lot to Canadians from all walks of life. As honourable senators know, government recognition of national philanthropy day requires no funding. The celebrations go on now with no funding from government and, indeed, are self-funding across the country. The government's recognition alone would create incentives for partnerships with the media and other organizations to further increase awareness of philanthropy and encourage Canadians to become involved. I draw the attention of honourable senators to the supplement that appears in the *National Post* each year on November 15 extolling the virtues of volunteering and charity in Canada. We can do more of this type of thing, and passing this bill is only the start.

Philanthropy is defined in many ways by many people: voluntary giving for the common good; people helping people; or the definition that I appreciate most, the love of humankind. Philanthropy is the right thing to do, not because of some requirement. It sounds like the Canadian way that I have known my whole life.

When someone makes a charitable contribution, they feel good because they help to improve society and because they want to give. Charitable giving benefits everyone because at some point in time, everyone has been affected by a charity and its services. Think about that for a moment. Whom do you know that is suffering from cancer or diabetes that has benefitted from money for research and the volunteers who collect it or organize events in support of it? Whom do you know that has volunteered for an after-school reading program to help our children learn to read better? Whom do you know that has spent time helping the elderly in a long-term care facility or the sick in a palliative or hospice care centre? That, honourable senators, is philanthropy in action.

Already, more and more Canadians rely on programs and services provided by non-profit organizations. According to Statistics Canada, there are more than 81,000 registered non-profit organizations in Canada that receive approximately \$10 billion in contributions annually.

However, the voluntary sector's impact goes beyond philanthropic programs and services. According to the recent study, *Cornerstones of Community: Highlights of the National Survey of Nonprofit and Voluntary Organizations*, the sector posted \$112 billion in revenues in 2003 and employed more than 2 million people. In addition, these organizations draw on 2 billion volunteer hours, which is equivalent to 1 million full-time jobs. The non-profit sector is big business, folks.

It is not a stretch to say that every Canadian has been touched by the work of our voluntary sector in some way, including all of us here today. Honourable senators, the non-profit sector does have a tremendous impact on the financial health of the economy. The economic contribution of the non-profit sector is larger than many major industries in Canada and amounted to 6.8 per cent of gross domestic product in 1999, according to Statistics Canada.

The non-profit sector's GDP is more than 11 times that of the auto sector and more than four times that of the agricultural sector. Think about that: bigger than the auto sector and bigger than agriculture.

A national philanthropy day is an opportunity to thank non-profit organizations for their work and to remind all Canadians about the importance of philanthropy in our country and around the world. Honouring local donors, volunteers, foundations, businesses and others involved in philanthropy is important because these people and organizations can serve as role models and shining examples for others in the community. The creation of a government-recognized national philanthropy day has the support of many national voluntary sector umbrella associations, including the Association of Fundraising Professionals; Imagine Canada; Philanthropic Foundations of Canada; Community Foundation of Canada; Canadian Association of Gift Planners; and the Canadian Bar Association. These groups collectively represent thousands and thousands of non-profit organizations from coast to coast. I urge honourable senators to support this historic legislation. The altruist endeavours of philanthropy touch all corners of our country.

Last week, on National Philanthropy Day, I was in Halifax where I made a presentation in the educational session to the national philanthropy celebrations. At lunch they had an interesting program celebrating youth in philanthropy. It was interesting because a local chapter of the Association of Fundraising Professionals contacted three schools — high school, junior high school and elementary school — and proposed this question to the students: If you had \$250 and you had to give it away to a charity, who would you give it to? The students were to come to the lunch, explain the process that they went through in their determinations and then tell us who they would give the money to. Indeed, at the end of each presentation, they gave the \$250 to the charity that they chose.

Initially, I was excited about this but I became even more excited when I read the program and saw mention of the Auburn Drive High School, the Bridges for Learning, Junior High Program and the St. Joseph's Alexander Elementary School program. I was so excited because I went to that inner city school with inner city children in a low-income community. It was absolutely fabulous to see these three young people who came to make presentations.

They all had great reasoning and made great presentations, but I want to talk about my friends at my alma mater of St. Joseph's Alexander Elementary School on Russell Street in Halifax. These young people not only went through a process whereby they selected 15 charities in the class, narrowed it down to five charities and more presentations, then narrowed it down to two and then to one. Their choice was the Isaac Walton Killam Hospital for Children in Halifax as the charity to receive the money. However, they did not stop there, and this is what I love about the north end of Halifax. Those kids from the inner city who do not have extra money had a bake sale in the school and raised another \$108.05 to add to the \$250 put forth by the Association of Fundraising Professionals and presented both amounts to the hospital foundation. That effort truly demonstrates what we are trying to do by creating a national philanthropy day. This feel-good bill should resonate in every community across Canada. I feel that it is right and proper that we take one day out of the year to honour

both the efforts of volunteers and those people who give to the organizations that support them. I hope that honourable senators will join me in supporting Bill S-204.

On motion of Senator Comeau, debate adjourned.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-220, to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Pat Carney: Honourable senators, —

The Hon. the Acting Speaker: I advise the Honourable Senator Carney that the motion is in her name and if she speaks to the bill now, it will have the effect of closing the debate.

Senator Carney: I have only a question on this bill. Can the Leader of the Government in the Senate explain the intent of the leadership in respect of Bill S-220, to protect heritage lighthouses, in terms of both the questions I have raised in the house and the questions raised in my letter of November 1, 2006?

• (1640)

Honourable senators need to know that there are amendments being proposed to this bill by both the Department of Fisheries and the Department of the Environment. Both departments support the bill. The only people who are not having an opportunity to comment on these amendments are my colleagues in the Senate, many of whom have many interests in lighthouses, including the orderly transfer of surplus lighthouses to local communities.

At the same time, last week's rain at Point Atkinson damaged the roof and the radio room of this national historic site. It is the most significant lighthouse on the B.C. coast. No one is mandated to repair it. Only operational lighthouses are covered by DFO.

I have had no response to the questions that I have raised here in this chamber and none to my letter of November 1. Our heritage is being damaged by storms. Amendments are being proposed to me with respect to which I have no input from my fellow senators.

I should like to know when the leadership plans on sending this bill to committee, where it belongs, so that we can all look at an issue that is so important to our national heritage.

[*Translation*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, rest assured that I do not in any way want to delay consideration of this bill. I have not had any time yet to prepare my notes. I know that one of my colleagues would also like to speak during debate at second reading.

[*Senator Mercer*]

I have a very great interest in protecting lighthouses, just like a number of senators do in this chamber. I know that my great friend, the late Senator Forrestall, worked very hard on preparing this bill. During a previous Parliament, this bill was considered in committee. I chaired the committee and I supported the bill.

I am simply asking for more time to prepare. We on this side of the chamber, as you can see, are shorthanded and we cannot always proceed as quickly as we would like. We are doing our best and I want to assure all senators that we are not trying to hinder consideration of this bill.

[*English*]

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE ON MOTION TO AMEND—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser, for the adoption of the second report of the Special Senate Committee on Senate Reform (motion to amend the Constitution of Canada (western regional representation in the Senate), without amendment but with observations), presented in the Senate on October 26, 2006.—(*Honourable Senator Di Nino*)

Hon. Pat Carney: Honourable senators, I am speaking today as a senator from British Columbia on the motion of Senator Lowell Murray, seconded by Senator Jack Austin, to amend the Constitution of Canada to increase western regional representation, which is a laudable goal.

This motion is now at the debate stage, in accordance with the process followed for amending the Constitution. It is a timely debate.

Twenty-six years and one month ago, I gave my maiden speech in the other place as the newly elected member of Parliament for Vancouver Centre. On that occasion, October 23, 1980, I spoke with the proud passion of a new parliamentarian on the Canadian Constitution and B.C.'s place in Canada. Now, time may have moderated my presentation, but time has not moderated my passion, or my position.

Twenty-six years ago, the constitutional debate involved a proposed amending formula that required that any changes must be approved by a province with at least 25 per cent of the country's population, vesting constitutional change and the right to set the terms of Confederation in the central Canadian provinces of Quebec and Ontario only. B.C. and other provinces would be relegated to second-class status. I argued then that this was unfair and inequitable. Canadians subsequently rejected the proposal.

The constitutional amendment proposed in the motion before us, like the 1980 proposal, would enshrine the establishment of second-class status for British Columbians. This Senate must reject that motion. British Columbians will reject it, I have no fear of that.

The motion, while described as correcting an inequity by adjusting B.C.'s historic under-representation in the Senate, would in fact perpetuate that inequity far into the future. Senator Murray claims that the resolution will focus attention "on an issue of fairness to Western Canada." Senator Austin, a B.C. senator, calls it "a fair and equitable measure, which will build goodwill."

Yet the motion would give British Columbia exactly half the number of senators it is entitled to under its hard-won status as a region. That status was wrestled from a Liberal government in the 1996 Constitutional Amendments Act, which was amended to acknowledge the reality of British Columbia as a distinctive fifth region. At that time, I noted that B.C., while defined as a region, has only six senators compared with 30 from the Atlantic region and 24 from the regions of Quebec and Ontario. I asked on December 14, 1995, "Is that fair? Is that equal?"

We are now faced with yet another attempt to deny British Columbia, an economic and cultural engine of growth, its fair and equitable place in Confederation. Let us be clear here: We are talking about Senate votes, not just Senate seats. We are talking about fair and equitable representation in the Parliament of Canada, consistent with our population and contribution to our country.

At present, the Senate is composed of 105 members, 24 each from Ontario and Quebec, 30 from Atlantic Canada, 24 from the West, including B.C., and 3 from the northern territories.

The motion proposes that the Constitution Act, 1867, be amended to recognize B.C. and the Prairie provinces as regions to be separately represented in the Senate. The Senate would then represent five regions, plus the three territories. Fair enough, since the change is in line with the 1996 Constitutional Amendments Act.

However, only 12 additional seats would be added, distributed among B.C. and the Prairie provinces. The total number of seats in the reformed Senate would be increased to 117.

Senator Tkachuk has done the math. He has noted that the three founding regions of Quebec, Ontario and the Maritimes each have 24 Senate seats. The motion proposes that the Prairie provinces be recognized as a region with 24 senators. However, British Columbia, the Pacific region, would receive only 12, not the regional entitlement of 24. Thus, Senator Tkachuk asked the right question:

...given the argument that B.C. is a region, why would it be only considered half a region with 12 senators, when it really should have 24?...A region is a region is a region; you do not have a region and half a region.

Senator Austin gave the wrong answer on June 27, when he said:

As to the 12 versus 24, quite frankly, I believe that 24 senators for British Columbia is an imbalance in the Western Canadian formula. It is logical in the sense of the past, but I believe that, for the time being, 12 senators are acceptable to the regions of the country and its political leadership. As British Columbia may grow and become a

more significant economy and a larger population, as Senator Murray has said, a fair and equitable representation is a subject that can be re-addressed at a future time.

Apparently, Senator Austin has chosen to ignore the fact that B.C.'s Premier Gordon Campbell publicly stated in June that B.C. should be treated as a fifth region, with 20 per cent of the Senate seats.

At present, B.C. has 13.2 per cent of Canada's population, but B.C.'s six Senate seats account for only 5.7 per cent of the Senate. The 12 proposed by the motion in question would increase that to 10.3 per cent of Senate seats. In contrast, Newfoundland and Labrador would retain their six Senate seats, with only 1.6 per cent of Canada's population. New Brunswick, with 2.3 per cent of the population, would retain its 10 seats.

Let us translate that into votes. Votes matter. Votes determine which bills are passed into law and which are defeated. Regional voting power matters. In the Senate, whose powers equal those of the lower House, with few exceptions, the Atlantic region, with less than half of B.C.'s population, would retain its 30 senators, or 25 per cent of Senate votes. In comparison, B.C.'s 12 senators would be underrepresented with 10.3 per cent of possible Senate votes. Again, I repeat the question I asked in 1995. Is that fair? Is that equal?

• (1650)

It is my position that the Murray-Austin proposal is neither fair nor equitable. Why should B.C. — Grey Cup champions that we are — not go for the whole 10 yards? Senator Murray says this inequity can be addressed at a "future time." When might that future time be?

Senator Murray: When you put your lighthouse bill through.

Senator Carney: Senator Murray has already told us that time stood still after the Constitution Act, 1915, created the western division, with 24 seats equally divided among the four western provinces. He told us:

The process of adjustment to reality in western Canada stopped in 1915. In terms of western representation, the Senate has stood still for more than 90 years. The geographic, demographic, cultural political and economic realities of western Canada are under-represented in this place.... in that respect we are deficient as a national institution.

I applaud the sentiment.

Why would Senator Murray wish to extend that inequity for possibly another 90 plus years, given the three years required to process a constitutional amendment, until the year 3000 and the 22nd century?

Senator Austin argues that less populated provinces, such as the four Atlantic provinces, are entitled to a larger role in the Senate to offset the dominant legislative role held by the large provinces of Ontario and Quebec. His logic suggests that B.C., with less population, should have more senators than the central Canadian provinces, not fewer, but that is not what he is proposing.

Honourable senators, constitutional reform is not simply a numbers game to be continually calculated and recalculated to reflect demographic and economic shifts in the country. Canadians, from the Fathers of Confederation to the present time, accept that we are a nation of regions. It is regional balance, regional fairness and the elimination of regional inequities that should be our goal. This motion does not achieve that, and therefore it is doomed to failure if it is launched on an unsuspecting country to debate.

It is worth noting that if the 1980 constitutional amendment had passed, limiting changes to Quebec and Ontario, this entrenched inequity could pass without the consent of British Columbians.

I would say that the Senate's prime roles are to protect the Constitution, minority rights and the regions of Canada. Let us carry out our responsibilities to Canadians by rejecting this unfair and inequitable motion or amending it to allow B.C. the 24 Senate seats that its regional status entitles it to have.

On motion of Senator Tkachuk, debate adjourned.

STUDY ON PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

INTERIM REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the tenth report (interim) of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Passports and PASS Cards, Identity and Citizenship: Implementing the WHTI*, tabled in the Senate on October 24, 2006.—(Honourable Senator Grafstein)

Hon. Jeremiah S. Grafstein: Honourable senators, I rise to speak and bring to the attention of the Senate our report on the Western Hemispheric Travel Initiative, which is a piece of legislation passed by the American Congress. If I wanted to sum up, I could say that the objective of this report is to ensure that our American colleagues take the time to get this legislation right, not only in the interests of Canada, but the interests of the United States.

Honourable senators, the WHTI was announced by the United States Departments of Homeland Security and State back in April of 2005 and emerged from section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004. Under this legislation, all travellers to the United States, by air, land and sea, from Canada, the Americas, the Caribbean and Bermuda, will be required to present a passport or other acceptable documents.

Since the Intelligence Reform and Terrorism Prevention Act of 2004 was passed and the WHTI was announced, important economic consequences prompted the Standing Senate Committee on Banking, Trade and Commerce to hold hearings in June of this year.

With the announcement of the WHTI in April 2005, negative economic consequences began to be felt immediately all along the border: job losses, disinvestment, loss of revenue, businesses going broke. This did not happen just on the Canadian side the border;

it also happened along the American side of the border. Millions and millions of dollars in lost investments, lost revenue and thousands of lost jobs were all experienced along the border just with the announcement of this measure. What did it do? Essentially, because of the uncertainty of the documentation required to enter and re-enter the United States and another security concerns, travel was reduced, commerce was affected, convention destinations were altered, and investment was deferred or stopped.

In October 2006, Industry Canada released a report that estimated the potential impact of the WHTI on the domestic tourism industry alone. According to this report, compared to a base scenario of no WHTI requirement, Canada is expected to lose approximately 14.1 million inbound person trips and nearly \$3.6 billion in tourism receipts from American travellers between 2005 and 2010. Because of the increased costs and inconvenience associated with the WHTI requirements as announced, Canadian residents travelling to the United States will also be affected, and some Canadians may chose to substitute domestic travel for U.S. travel. This substitution effect would reduce Canada's estimated cumulative losses resulting from the WHTI to 11.8 million person trips and \$3.2 billion in travel receipts over this period from 2005 to 2010. Moreover, according to that report, the United States is expected to lose approximately 7.4 million inbound person trips and \$2 billion dollars in travel receipts from Canadian travellers over the same period.

After holding our hearings and meeting with stakeholders, the committee issued its report entitled *Passports and PASS Cards, Identity and Citizenship: Implementing the WHTI*, in which we indicated the importance of ensuring that the WHTI is implemented in a manner that minimizes disruptions to the legitimate movement of people and goods along the shared border.

Honourable senators might not know this, but over 150 million trips two ways across the border occur every year. This number has been on the decline and has certainly accelerated by this measure. The committee is very pleased to report that the delay being sought for the land implementation date has been potentially gained and believes that the time afforded by this potential delay must be used wisely. We are aware that the projected January 8, 2007, implementation date for air travel may be delayed somewhat. We welcome these delays. These delays allow us to implement this bill in the most cost effective way on both sides of the border.

In our report, the committee made six recommendations. The first recommendation was focused on the documents that would be approved by the WHTI. We wanted to ensure that the documents approved are easily obtained at a reasonable cost and that the current NEXUS and FAST cards that are already in place would be approved. We also urged consideration of extending the period of time for which Canadian passports are valid and lowering their price. We believed all these micro-measures would reduce the economic impact. We wanted to ensure that people could get the documents they need relatively easily and that the cost is not prohibitive, particularly, for example, for a family of four that wants to engage in a spontaneous cross-border travel to visit friends or go to a sports game or to engage in cultural activities.

In the second recommendation, we advocated elimination of the requirement for travellers under age 17 to provide approved documentation when they are accompanied by one or more adults who would have approved documentation. We envisaged many scenarios, including sports activities and visits to friends, under which youth would be travelling across the border with adults and would be required to have the documents. This in turn would inhibit and turn back people at the border unless children and those under age could travel with their parents or a parent freely.

The third, fourth and fifth recommendations were directed to the implementation of the WHTI itself, and I will share a couple of exciting developments in this regard in a moment or so. For now, let me indicate the nature of the recommendations.

The third recommendation noted the requirement for pilot projects prior to the full implementation of the WHTI, in essence, to ensure that all the technological and other bugs have been worked out prior to broadly based implementation.

The fourth recommendation in our report urged the development of appropriate protocols to be applied when U.S. residents lack approved documents to return to the United States, while implementation of the fifth recommendation, an awareness and outreach campaign, would hopefully help to reduce the extent to which people would travel without the approved documents.

• (1700)

The final recommendation advocated increased funds for the Canadian Tourism Commission in an effort to sell Canada as a desirable tourist destination. These funds would be leveraged, we believe, with the private sector.

In a recent exciting development, last week, members of the Canada-United States Inter-Parliamentary Group attended, in Whistler, the 2006 Economic Leadership Forum of the Pacific NorthWest Economic Region, PNWER, and our colleague Senator Moore was there on our behalf. It is a successful consortium of a private- and public-sector initiative focused on that region's economic prosperity. Your Canada-United States Inter-Parliamentary Group now attends regional meetings in every region of North America, every region of the United States. Many of us this summer spent a good part of our time doing precisely that.

At the meeting in Whistler, delegates were informed of a pilot project between Washington State and British Columbia in response to the WHTI. The three-month project would focus on testing current scanning technology that border agents can use to identify fraudulent drivers' licences and identification cards. The portable wireless hand-held unit is connected to law-enforcement databases and is able to identify individuals wanted by law enforcement or suspected of illegal activities. The initiative includes a voluntary enhanced driver's licence and identification card that would meet WHTI requirements. This is an exciting and important initiative that can help determine how the technology will work and save jobs on both sides of the border.

The PNWER also presented delegates with a draft plan to build awareness about the WHTI. Under its initiative, the PNWER would work with regional governments and private-sector partners to generate awareness about the WHTI. This private-public initiative is worthwhile and supports the committee's fifth recommendation, and we welcome it.

We want to thank Senator Moore, who has been such an assiduous member of our committee, for attending on our behalf.

Honourable senators, the Standing Senate Committee on Banking, Trade and Commerce will continue to monitor the situation on both sides of the border with due diligence, but we are hopeful that the implementation of the WHTI requirements for all modes of travel will proceed smoothly.

Finally, I want to thank all senators on the committee who worked so diligently to prepare this report. I want to thank all of our witnesses. I want to pay special thanks to recently elected Congresswoman Slaughter, who did interesting work to demonstrate to Congress that the economic impact of this legislation would be devastating not only to Americans but also to Canadians. I want to thank our clerk, Line Gravel, our senior researchers, led by the estimable June Dewetering, and all others who helped in a timely and important way to shape this concise and cogent report, which we believe will save jobs in Canada and the United States.

On motion of Senator Comeau, for Senator Angus, debate adjourned.

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Banks, for the adoption of the fourth report of the Standing Senate Committee on National Finance (Bill S-201, to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes), with an amendment), presented in the Senate on October 3, 2006.—(*Honourable Senator Stratton*)

Hon. Terry Stratton: Honourable senators, Senator Ringuette's bill is on day 14. I intend to speak to the bill this week, if she would be patient for a little longer.

On motion of Senator Stratton, debate adjourned.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Robichaud, P.C.*)

Hon. Vivienne Poy: Honourable senators, I wish to congratulate and commend our colleague Senator Fairbairn for raising this inquiry on literacy. She has provided exemplary leadership on this issue over many years and remains its greatest advocate. I also want to thank Senator Segal for his reasoned comments on this important issue.

Senator Fairbairn put forward this inquiry in June of this year, and since then the federal government has withdrawn \$17.7 million from the federal adult learning and literacy program while Canada has a surplus of \$13.2 billion. The cuts were rationalized by so-called efficiency, or the argument that programs were not in line with the priorities of Canadians. It is evident that this government believes literacy is not a priority for Canadians because Senator Fairbairn, as well as other honourable senators, has made it clear that the money was not being wasted. I find it particularly ironic that this government has dismantled the National Literacy Secretariat, which was the initiative of former Prime Minister Brian Mulroney.

We have heard from many others about the personal plight of those who struggle with literacy as well as the specific costs of this recent decision to the work of literacy advocates in the various provinces.

Today, I will focus on literacy in relation to the immigrant population, since this issue has not been addressed in any detail.

Senator Tkachuk pointed out that literacy levels have not increased over the last decade, remaining at low levels, for 42 per cent, of Canadians of working age. That is 9 million Canadians. He concluded that existing programs are not working. I believe there may be many reasons why this is so, reasons that have nothing to do with the efficacy of the existing programs. As Senator Segal said, literacy programs may be working, but as some individuals improve, other populations take their place at the lower end of the spectrum.

That is evident among new Canadians. Consider that immigration is increasingly responsible for the growth of our labour force. Immigrants who arrived during the 1990s accounted for about 70 per cent of the net labour force growth between 1991 and 2001. That is predicted to increase to 100 per cent over the next decade, due to the low birth rate of Canadians.

Many of these immigrants are from countries where neither French nor English is the language spoken in the home. In 2003, only one in 10 immigrants spoke English or French as their mother tongue compared to almost one in three in 1980. While the most recent Immigration Act puts more stress on English- and/or French-language skills, and it is a fact that recent immigrants are more highly educated than the Canadian-born population, the Adult Literacy and Life Skills Survey still found that immigrants aged 16 to 65 performed significantly below the average for the Canadian-born population.

What we need, given the challenges faced by new Canadians, is a redoubling of efforts and increased funding for literacy in our official languages rather than cuts to essential programming. Otherwise, we are abandoning our immigrant population and putting our economic future at risk.

I believe the present government should take heed of a new report by the Centre for the Study of Living Standards, which

found that Canada is already falling behind in productivity, at number 17 out of 23 industrialized countries studied. One of the four recommendations of the centre was reducing employment barriers for skilled immigrants in part by focusing on fostering the basic skills of the labour force.

The government must recognize that one of the greatest barriers to immigrant integration is low literacy levels in one of our official languages. This report reinforces the findings of a C.D. Howe study that said that, by increasing literacy skills by 1 per cent relative to the international average, Canada will increase its productivity by 2.5 per cent.

• (1710)

The government's position is that it will still be investing \$81 million over two years in adult learning, literacy and essential skills programs, and the cuts were made so as not to duplicate spending by other levels of government.

Honourable senators have provided numerous examples of programs that have ended or will end soon, and these programs are fulfilling an existing need. Eliminating funding by the federal government for local and community level programming by Human Resources and Social Development Canada hurts communities. I question how literacy is to be tackled, except by community groups at community and local levels.

The response we have received from the Leader of the Government in the Senate when she was asked what will happen to existing programs is that she is sure literacy volunteers will not discontinue their work despite the cuts.

We need to keep in mind that volunteers need government support too. Why destroy the work of so many, and for what purpose? We are aware that most literacy efforts run on minimal budgets anyway, often with only one staff person or less, and volunteers are already the backbone of community literacy efforts.

In Toronto, a local literacy worker shared her fears about the recent cuts. In a forum of the Community Social Planning Council of Toronto on October 11, 2006, she said:

Many years of hard work and much money have gone into building these networks and coalitions...which have proven to work and benefit many. Now it is under the threat of collapse. The government is going in the wrong direction. Shutting down such networks leaves practitioners and agencies isolated instead of working together.

Without literacy there is poverty. Among the immigrant population, poverty leads to isolation, lack of integration and potential problems in terms of social cohesion. I need not remind honourable senators that allowing for ghettoization of new communities and neglecting poverty can have dramatic consequences in terms of the economic and social health of our cities.

The Honourable John Baird was quoted in *The Toronto Star* on September 29, 2006, as stating:

...we've got to fix the ground floor problem and not be trying to do repair work...

I wonder why he does not listen to literacy advocates who say it is not necessary to reinvent the wheel and that we should expand on what is already working well.

It is similarly disturbing that the Minister of Human Resources and Social Development was not able to name any literacy groups that were consulted prior to these cuts, and it is still unclear how and where monies will be spent in terms of literacy.

We need much clearer direction from the government on this issue. I invite all honourable senators to support this inquiry, which is crucial to the future of Canada.

Hon. David Tkachuk: Honourable senators, I wish to ask a question.

I noted with interest the honourable senator's concern about teaching immigrants one of the two official languages. Can the honourable senator name the programs that were cut that teach immigrants how to speak and read in English and French?

Senator Poy: I will look into that. I do not want to provide the honourable senator an answer off the top of my head. I will look into it and come back with a specific response.

Senator Tkachuk: The honourable senator is the one who made the claim that these programs were cut. If she makes the claim here in the Senate, perhaps she can give us the evidence of that claim.

Senator Poy: I have just given the general overview of the effects of the cuts, and I prefer to provide exact answers.

Senator Tkachuk: Thank you.

Hon. Mobina S.B. Jaffer: Honourable senators, I also rise to speak to the inquiry of Senator Fairbairn on the state of literacy in Canada.

Before I make my remarks, I would like to take this opportunity to salute Senator Fairbairn for the work that she has completed on this issue for many years.

Hon. Senators: Hear, hear!

Senator Jaffer: She has certainly made us proud.

Several weeks ago I listened to the statements provided with respect to this inquiry by Senator Carstairs in which she laid out challenges faced by adults who cannot read in their daily lives.

I was moved by what she said, especially towards the end, when she told us that many illiterate adults in this country are not people incapable of learning to read but are people who have not been given the opportunity.

Today, I want to bring another dimension to you regarding literacy, that is, people who cannot speak either English or French.

Statistics Canada, as well as my own experience, show that language skills in general are increasingly a problem for immigrants to Canada. Not only can some immigrants not read or write, but some cannot speak the language.

In their first language, these people in most cases are capable individuals. Some of them have a great deal of wisdom and experience to impart, and bring a wealth of cultural knowledge to Canada. Giving these people the opportunity to integrate into our society not only benefits them and their communities, but it benefits all of Canada.

As Senator Carstairs mentioned, we face a growing shortage of skilled labour in this country that will not be addressed if we do not allow people to have access to literacy programs in both official languages. However, it is not only our workforce that can be hurt; we also miss out on many intangible qualities that new Canadians bring to our country and promote separation of communities. When we isolate people from reading, writing and speaking skills, we risk isolating entire communities from the mainstream of Canadian society.

Not being able to communicate with each other threatens the fabric of our multicultural nation. Lack of communication breeds distrust and misunderstanding and runs contrary to many of the values we all hold dear as Canadians, including the respect of cultural values and equality under the law.

That is why I am disappointed to see the government cutting back on adult literacy programs. I believe the programs are more crucial than ever. Denying the opportunity for adults, especially adult immigrants, to enhance their reading, writing and speaking skills in both official languages is a serious mistake.

According to the 2003 International Adult Literacy and Lifeskills Survey, immigrant populations in Canada continue to be significantly below the national average in areas of literacy, numeracy and problem solving. This situation is particularly concerning because, according to Statistics Canada, over the preceding decade, immigrants to Canada were twice as likely as Canadian-born individuals to have a university education.

For the most part, recent immigrants to Canada have been well educated in their countries of origin. However, they continue to struggle to find well-paying jobs when they arrive, in part because they lack basic skills such as literacy.

Cutting back literacy programs at a time when even these well-educated newcomers to our country cannot compete with the skills they have is a tremendous step backwards. In fact, the problem goes deeper.

Still in immigrant communities, many who do not have literacy skills to get through their daily lives are often held back by the fact that they cannot speak either official language. This problem creates a double-edged sword for immigrants to Canada that makes it impossible for them to become effective members of the labour force.

This situation is not good for immigrants because it does not allow them to seek the best life possible for them and their families. However, it is also bad for Canada because we will not get the most out of a pool of otherwise skilled labour as we face the challenges of an aging population.

• (1720)

Honourable senators, you have heard some of these statistics from the Honourable Senator Poy, but I would like to remind you that according to the Statistics Canada study on the issue of immigrant literacy and language skills from the 2001 census, despite higher education levels among immigrants, only one in ten speak French or English as a mother tongue as opposed to one in three in 1980. More immigrant families speak a non-official language at home than in the 1980s. Forty-three per cent of immigrants whose mother tongue was not English or French scored at a lower level on the prose literacy scale in the International Adult Literacy and Skills Survey. There was a strong link between literacy skills, employment and wages, and the wages of women are especially linked to language proficiency and literacy.

Honourable senators, these types of statistics make it clear that we should be providing more resources for literacy, not fewer. However, like Senator Carstairs said, I believe the statistics do not always capture the reality of the situation as it exists for many in the country.

I want honourable senators to take a look at some of the situations that Senator Carstairs so eloquently described when she spoke on this issue. However, I also want to show that there are larger problems for immigrant women who may struggle with language skills. I hope this will underline how taking a step back in areas like adult literacy will not only make it more difficult for new Canadians to function in our society but how it will lead to the isolation of these communities.

Senator Carstairs told us how a Canadian who could not read might not be able to set the clock radio. Honourable senators, imagine, in addition to that, you could not even understand what your radio was saying. It is nothing more than noise to you and you cannot understand something as basic as a weather report.

Senator Carstairs mentioned how difficult it would be for an illiterate Canadian to prepare breakfast for their family and take an active interest in their children's school activities. However, what if you could not understand your children's activities because they learn a language you cannot speak? What if every time your children went to school their reading and language skills got better than yours? What if your child had to accompany you to your doctor and interpret for you what your doctor said? It is difficult enough for parents to understand their children without speaking an entirely different language.

Senator Carstairs told us how an illiterate Canadian would not be able to use a bank machine and would have to speak to the teller, but an immigrant who could neither read nor speak the language could not speak to the teller either. Imagine how difficult it would be to get by if you were completely unable to manage your own finances.

We heard from Senator Carstairs about the difficulties that illiterate Canadians have finding work, but for immigrants who cannot speak either official language, the chances are even worse still that they will ever find good paying work. We know that women in particular cannot find work in the service or knowledge sectors without these basic abilities to communicate.

Senator Carstairs finally told us how hard it is for illiterate Canadians to get help so that they can take an active role in the development of their family and community. For immigrants who do not have these skills there are even more challenges. For them, lacking these skills means not only embarrassment, but isolation from society. It forces them to seek out others like themselves and avoid situations where they are forced to interact with mainstream Canadian society. It drives Canadian communities apart and prevents us from coming together as a country.

What chance at the life we all dream of can you have if you cannot even be part of a society in which you live, if you cannot even speak to each other?

When I was a young child my grandmother taught me that my neighbour was my first relative. She taught me that you went to your neighbour for a cup of sugar, to share stories or to get help in an emergency. Today, for some Canadians, they cannot even speak to their first relative, their neighbour. How will we, in Canada, come to know each other, to work with each other in our communities and, most important, have fun with each other if we cannot speak to each other? In our great country, we need to be able to tell each other what our challenges are.

Honourable senators, we have to make sure that everyone who wants a chance has it. I hope you will all urge the government to not only reconsider cutting funding to adult literacy but also increasing the fund to literacy programs for new Canadians so that no one in this country is forced to live in isolation.

Senator Tkachuk: Would the honourable senator take a question?

Senator Jaffer: Yes.

Senator Tkachuk: After 13 years of Liberal government, the honourable senator paints a gloomy picture of how immigrant training is faring in Canada.

If my honourable friend has evidence or information on cuts to immigrant language programs, could she please bring it to us here in the Senate chamber, since that was what her whole speech was about?

Senator Jaffer: I thank the Honourable Senator Tkachuk for giving me the opportunity to tell him of the challenges. Before I do that, let me acknowledge someone who has really changed the lives of immigrant women.

When I first came to this country, language courses were not provided to immigrant women because it was thought that they were not part of the workforce. Some of us got together and started a court challenge to ensure that immigrant women received language classes. Prime Minister Brian Mulroney stopped that court challenge and made sure that immigrant women were given lessons.

The challenge is that lessons are only provided to immigrants for the first three years until they become citizens. Last week, the Official Languages Committee heard from members of the French ethnic community in Vancouver who said that for their first three years in British Columbia, they received courses in English. Senator Comeau will vouch for what they said. They said that

they were taught how to order tea or how to go to the grocery store. However, they were doctors, teachers and professionals and were not taught the language of professionals. Once they become citizens, no further courses are provided.

My mother has always said to me that good things will come from this debate. Since this debate has started, one of the things about which I am excited is that we have to start looking at providing English to French-speaking people who come to British Columbia or other parts of the country and French to English-speaking people who go to Quebec so that we can communicate with each other.

One of the other things I learned in this debate is that once one becomes a Canadian, there is not a separate immigrant program. When literacy programs get cut, they are cut for all of us. Those programs apply to all immigrants.

Senator Tkachuk: If the honourable senator wishes to work toward adding more money to the present immigrant language program because she thinks it is insufficient, that is one thing, but there were no cuts to the immigrant language program. This tactic of attempting to scare people into thinking that there were cuts to the immigrant language program is just not correct. Does my honourable friend have evidence to show that there were cuts made to the immigrant language program? This kind of politics will not get us anywhere. If she wants to improve the program, then let us talk about that. Let us not make statements like she and Senator Poy have done, saying there were cuts to the immigrant language program when there were not any.

• (1730)

Senator Jaffer: Perhaps I did not make myself clear, so I will try again.

Cuts to literacy programs across the country affect immigrant programs. After three years, gladly in our great country, one is no longer an immigrant; and when one becomes a Canadian, programs that are cut for Canadians apply even more so to immigrants. There are not separate programs for immigrants who have become Canadian citizens. There are not separate programs that they can attend. The programs are directed at immigrants before they become a Canadian citizen.

Therefore, the literacy programs that have been cut across the country apply to all. What Senator Poy and I were trying to point out is that, when these programs are cut, the effect is felt even more by those who have bigger challenges of not only writing and reading, but also speaking.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Could I ask the honourable senator a question?

The Hon. the Speaker: Senator Jaffer would have to ask for an extension of her time.

Senator Jaffer: Could I have an extension?

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Comeau: Senator Jaffer referred to the Senate committee's meeting last week in Vancouver. We were there and we did get a number of people who had come from Africa who were now living in British Columbia. They came to Canada first as French-speaking citizens. Most of them, I believe, had immigrated to other parts of Canada first — especially in French-speaking areas. Some of them did wish to move to British Columbia. One of them said it was for reasons of the weather — I am not quite sure if I agreed entirely with her last week — that the weather in British Columbia was milder than what they had experienced in other parts of the country.

My recollection of last week was that most of these people, if not all, were extremely well educated. One of them actually served a number of years as a journalist with Radio-Canada. One of them is a teacher. The impression I had from most of them was that they were quite literate, very well informed. For some of them, the problem they faced was being able to switch over from French to English because they were living in British Columbia. Since British Columbia is mostly an English-speaking province, their problem was being able to increase their language skill. One of them even went to the point of saying, "I wish to increase my skills from being a very advanced French speaker into having very advanced English-speaking skills, and I am not getting the kind of help that I think I should have in order to do that."

All of this has absolutely nothing to do with literacy, or the whole subject of this inquiry, which was for advancing people into a literacy program. What they were asking for was something entirely different. Am I reading this right? What I heard last week is that these people were not asking for literacy advancement, but something entirely different. I do not think such programs exist, either with this government or under the previous government. Therefore, none of these programs has been touched by the current government; they just were not there, as far as I know. Am I right?

Senator Jaffer: I wish to thank Senator Comeau for his question. However, first, I want my colleagues here to know that when the committee met with these French-speaking Africans, they felt that they were heard for the first time. They were very complimentary of the committee's work in B.C.

As to the honourable senator's question, it depends on what glasses one is wearing. The person Senator Comeau is referring to was a journalist in Ottawa who had to move to Vancouver. She said that she is literate in French but not in English.

As I said previously, what has opened up this debate is the realization that literacy across the country is dependent on the provision to adults of English- or French-language training. That is something that has come out of this debate that is positive. Hopefully, through our committee or in other ways, for the unity of our country, we will find ways in which adults can get English in French-speaking parts of Canada and French in English-speaking parts of Canada, so that more of us can learn both languages.

On motion of Senator LeBreton, debate adjourned.

THE SENATE

MOTION TO URGE GOVERNMENT TO STUDY
IMPACT OF LEGISLATION ON REGIONS
AND MINORITIES ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Cordy:

That the Senate urge the government to accompany all government bills by a social and economical impact study on regions and minorities in accordance to the Senate's role of representation and protection of minorities and regions.—(*Honourable Senator Fraser*)

Hon. Pierrette Ringuette: Honourable senators, I am pleased to have the opportunity to —

The Hon. the Speaker: This will be the second time that Senator Ringuette speaks. I must advise the chamber that, should Senator Ringuette speak now, her speech will have the effect of closing the debate.

[*Translation*]

Senator Ringuette: Honourable senators, I am delighted to have the opportunity to close the debate today on my motion that the Senate urge the government to accompany all government bills by a social and economical impact study on regions and minorities in accordance to the Senate's role of representation and protection of minorities and regions.

[*English*]

The intent behind the motion is to ensure that any minority group or region in Canada is not inadvertently affected by any proposed government legislation without the Senate having beforehand been informed of the bill's potential consequences.

[*Translation*]

I feel that it is essential and wise for the Senate to urge the government to accompany all government bills by a social and economic impact study in order to anticipate the repercussions of these bills on regions and minorities. In this way, the Senate will be equipped to meet its constitutional obligations and play its historic and conventional role of representing and protecting minorities and regions. That is precisely the objective of this motion, which is perfectly reasonable and logical when we consider our role as senators and the impact of legislation on regions and minorities. With this important tool, we could improve our analytical abilities in this chamber and in committees, to truly fulfil the mandates given to us by the Constitution for our respective regions and the minorities concerned.

[*English*]

A few concerns have been raised with respect to this motion.

First, it has been said that this legislative requirement can be time-consuming and that it could be problematic when critical laws must be passed rapidly.

[*Translation*]

In the context of policy formulation, it is common practice for each government department to try to measure the impact of these policies not only on the public at large, but on the specific regions and minorities that would be affected. We know, then, that such studies anticipating the effects of proposed policies and legislation already exist. It is my opinion that senators should have access to them in order to know not only the objectives of the government, but, primarily, to know what the government in office expects the potential impact of a bill to be. The government already conducts these studies. The purpose of this motion is therefore to ensure that the legislative branch has access to impact studies prepared by the executive branch. Providing these studies to senators would not involve more time or money.

• (1740)

[*English*]

Comparatively, it is not uncommon in the U.S. for the government to produce a legislative and regulatory impact assessment, which is published alongside the draft bill that is tabled. This measure aims at assessing the impact of the measures to be included in the bill and, usually, identifies the cost and benefits associated with the government's preferred implementing options. At committee stage, several economic impact studies are tabled usually to enable the legislator to make more informed decisions. These impact studies are usually twofold, measuring both the economic and social repercussions of the proposed legislation and often focusing on a regional basis. This practice is encouraged and laudable but I believe we should extend its scope to minorities and regions to reflect our own constitutional character and the role of the Senate.

Another important critique of this motion was that "minorities" was not defined and, therefore, it would be too broad and confusing to study the impact of the legislation. It is my understanding that "minorities" in our Canadian context is already defined by court decisions, depending on the context. Therefore, I would leave it to the legal definitions of "minorities" as defined by the Supreme Court of Canada. Generally, a "minority" is defined as a sociological group that does not constitute a politically dominant plurality of the total population of a given society. A sociological minority is not necessarily a numerical minority. It may include any group that is disadvantaged with respect to a dominant group in terms of social status, education, employment, wealth and political power.

Case law on the application of section 15 of the Charter measures the nature of a prejudice to a disadvantaged individual or group. This analysis usually concentrates on the personal characteristics of those claiming to have been treated unequally and asks, among other things, whether those in that group have been subjected to historical disadvantage, stereotyping and prejudice.

[*Translation*]

The unwritten principle of protecting minorities was considered for the first time by the Supreme Court in 1998 in the *Reference re Secession of Quebec*. According to the Supreme Court of Canada, there are four unwritten premises underlying and animating the text of the Constitution and the Charter. These principles are: federalism, democracy, constitutionalism and the rule of law, and protection of minorities.

The principle of protecting minorities is the government's constitutional commitment to ensuring that linguistic minorities are respected and protected in Canada. It is important to note that the Supreme Court recognized that this unwritten principle also has a normative force binding upon both courts and governments. This principle can therefore give rise to specific and precise obligations, that is, legal obligations that limit the government's ability to act.

This is why it is important for us to have the tools we need to measure the impact of legislative measures on minorities.

[English]

Moreover, it was argued in this chamber that this motion is too vague to provide meaningful direction to those preparing the assessments. It is important to note that the onus is on the government to provide the Senate with a social and economic impact study on regions and minorities. I believe that any responsible government and any minister within government, before tabling any kind of legislation, would certainly require the department to supply an analysis and study on the issue. The onus to prepare such studies is already present, given that most departments prepare them and utilize them prior to the legislative drafting stage. In most instances, the fulfilment of this obligation would require a mere tabling of these documents.

In this house on Monday, November 6, 2006, Senator Tkachuk said:

The Senate exists to protect the interests of the regions and the minorities. When bills are referred to committee for consideration, the social and economic impacts of bills on the regions that we represent must be taken into account, as well as what they mean to us and not just what they mean in overall costs to the country. In that way, we would have better knowledge of what is happening.

It would be good for honourable senators to remember, when studies are done, to point out some of these issues. I would hope that the Senate does not always do what the minister wants.

Senators, regardless of political affiliation, seem to agree on the principles underlying this motion. We agree on the fact that when bills are referred to committee for consideration, the social and economic impacts of bills on the regions and what we represent must be available and taken into account. For example, for the Softwood Lumber Agreement and its implementing bill, Bill C-24, how much do we know about how the bill will affect the economy of our regions? What are the foreseen impacts in terms of mill closures, jobs lost and devastation of rural communities? What is the impact of reducing funding for literacy when we know that for every 1 per cent reduction in illiteracy, there is a potential growth of \$18 billion to our GDP. What is the impact of eliminating student employment programs in our regions?

[Translation]

What impact will the elimination of the Court Challenges Program have on our regions and, more importantly, on our minority language communities? The answer cannot remain

cabinet confidential, without the lawmakers being informed and having an opportunity to assess the information before voting on the matter.

We either have transparent and responsible government or governance, or we do not. We either have a progressive and responsible Senate with the tools it needs to do its job, or we do not. Consequently, this motion calls upon the Senate to urge the government to accompany all government bills by a social and economic impact study on regions and minorities.

The Senate has an historical and constitutional obligation arising from its role in representing and protecting minorities and regions. I believe that such steps ought to have been taken decades ago. Errors have been made by governments of various stripes, and it is up to us to provide better tools to better measure the impact of the bills we consider.

Honourable senators, what I am proposing today is necessary to enhance our efficiency in carrying out our historical and constitutional responsibilities.

Honourable senators, I move adoption of this motion.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Motion agreed to on division.

• (1750)

[English]

THE SENATE

INTERNAL ECONOMY, BUDGETS AND
ADMINISTRATION—MOTION TO AUTHORIZE
COMMITTEE TO STUDY PERMISSIBILITY
OF SENATORS' STAFF INQUIRING INTO
THE TRAVELLING DETAILS OF OTHER SENATORS—
DEBATE SUSPENDED

Hon. Tommy Banks, pursuant to notice of November 8, 2006, moved:

That the Standing Committee on Internal Economy, Budgets and Administration be directed to examine and determine, in light of recent discussions and in light of present Rules, procedures, practices and conventions of the Senate, whether it is appropriate or permissible that persons working in the offices of senators, including senators who are Ministers of the Crown, should obtain or attempt to obtain from hotels used by senators conducting business properly authorized by the Senate, detailed breakdowns including lunches or other costs included in hotel invoices, and including any and all sundry costs associated with the stay; and

That the Committee be directed to report its determination to the Senate no later than Thursday, December 7, 2006.

Hon. Joan Fraser (Deputy Leader of the Opposition): I have my usual question, honourable senators. Can Senator Banks tell us what this is all about, please?

Senator Banks: I thank you for the question. This motion relates to issues that I brought before the Senate last week and to documents which I, with permission of the Senate, tabled last week. As the motion says, it has to do with efforts to obtain or attempt to obtain information, including information that I think is private information. I think it is private for two reasons, the first of which is that hotel bills are not public information, or anyone's business until a claim is made for reimbursement of them or for payment of them. These hotel invoices that had been obtained and that are now in the public domain contain information that is not apropos to questions that would properly be brought here. As I said previously, it is possible that, in asking for and in obtaining this information, a person working in a senator's office — my office or anyone else's office — could obtain information that is not appropriate to be obtained and that ought not to be made public. Some of that information has been contained in documents that I tabled. I will, with the permission of the house, table further documents today having to do with more hotel invoices having been obtained, one assumes by the same means and by the same person who we have learned works in the office of the Leader of the Government.

It is important to say that the Leader of the Government has been clear to say in answer to questions that she did not order, request or suggest that this work be undertaken by the person who works in her office, so we must assume that it was done on his own volition.

This new document, which I ask permission to obtain, is a copy of an email from Jeffrey Kroeker, which reads, "Could I please get receipts, invoices for all charges under the following names," and then a list of names. "The charges may also be listed under the Senate of Canada or the High Commission of Canada." It asks for details, and it is signed — I think this is interesting — "Jeffrey J. Kroeker, Senior Special Advisor, Parliamentary Affairs, adjoint spécial principal, affaires parlementaires, the Parliament of Canada, la Parlement du Canada." I did not know that the Parliament of Canada had a senior special advisor denoted in that way.

This email has led to the presence in the public domain of hotel bills from which I can tell you, for example, the number of telephone calls that Senator Meighen made from his hotel. I can tell you the room number that Barry Denofsky stayed in and the number of telephone calls he made. He is the senior advisor to the Standing Committee on National Security and Defence.

I can tell you from this information, for example, that Senator Kenny charged 1.75 euros from the mini bar to his hotel room, not claimed but charged to this hotel room. I can further tell you, as only an example of what I said earlier about obtaining, whether wanted or not, information that ought not properly to be in the public domain, Senator Kenny's credit card number. I can do that because, in prudence, all the credit card numbers to which I will refer have been cancelled and re-issued, but this information

contains Senator Kenny's credit card number and the expiration date of it, as well as the amount that was charged to it. This information contains the credit card number of Major-General Keith McDonald. Major-General McDonald, retired, is the senior military adviser to that committee. His credit card number is here, and this information is in the public domain. This information is being spread about through the news media. Here is the credit card number of Inspector Harold O'Connell, who is the RCMP advisor and Liaison to the Standing Committee on National Security and Defence, et cetera.

In my view, it is wrong that this information is obtained in the way it is. Honourable senators, the Leader of the Government or the Leader of the Opposition and the deputies are members of this committee, and they can get any information they want from this committee simply by making a phone call, coming to a meeting, asking the clerk, asking the chair of the committee in Question Period or writing to Senate Finance. This information is entirely, appropriately and easily available through measures and by means that are commonly followed in this place, not by skulking and what I suggest might be almost misrepresentation or at least telling half truths in the identification of persons asking for this information and the means by which it has been obtained.

• (1800)

I ask permission of honourable senators to table these documents for the purpose of this study, and I commend your attention to this study, which I suggest is important, because there is a difference of opinion here. There are those of us who believe that it is wrong to do this. It is wrong to obtain this kind of information in this way — in this way — since the information is easily otherwise obtainable. Since it has been obtained in this way, it has found itself into places that —

The Hon. the Speaker: Honourable senators, it being six o'clock, I must leave the chair, unless there is an indication that we do not see the clock.

Hon. Gerald J. Comeau (Deputy Leader of the Government): From this side, we would agree not to see the clock, if it is agreed.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Comeau: On a point of clarification, Senator Banks is responding to a question that was asked by the Deputy Leader of the Opposition to explain what is, in fact, the nature of his motion. Are we on the motion, or is Senator Banks responding to Senator Fraser's question?

The Hon. the Speaker: It was my understanding that an explication was asked of the mover and the mover has 15 minutes to give that explication. Therefore, we are in debate.

Senator Banks: I thought I was answering a question, but it is immaterial because I am nearly finished.

It is the method by which this information was obtained. I know that if the Leader of the Government in the Senate or her deputy, or the Leader of the Opposition or his deputy, had obtained this information, it would not very likely have found its way, as it has, to my desk and into the hands of the press, because

I know they are honourable people. That is not how this information was got. This information is available. It is the means by which this information was got that is the subject of this motion, and these documents, which I hope to table, will lead to a determination of that.

The difference of opinion is that I think this is a wrong means of obtaining this information and the Leader of the Government in the Senate has said that it is not a wrong means of obtaining this information, that it is entirely appropriate and that Canadians ought to expect it will be done, by which I assume it will be done again.

My motion is a means of asking the Internal Economy, Budgets and Administration Committee whether information obtained in this manner detailed is appropriate, in order that we all know whether we can do this. That is the point of this motion that I commend to your attention.

The Hon. the Speaker: Senator Banks has asked for the consent of the house to table certain documents. Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. David Tkachuk: Senator Banks, on every committee I have travelled with, whether it was the parliamentary committee or one of the standing committees, the procedure is very clear: The clerk pays for the hotel rooms and we give our credit card to cover personal expenses. There are two credit cards involved. One is the credit card that pays the rooms, paid for by the clerk. That is public business. Those will be expensed out of the committee budget. Then there is the private matter of my own credit card, which may have been for room service or for anything else. I pay for that, and whether I use the government corporate card or my own personal card does not really matter.

Will this committee be looking into the fact of the payment made by the clerk? I assume the clerk, in your particular case, would have paid for the hotel rooms and then each senator would have paid for his own private bills?

Senator Banks: I am not sure I understand the question, but there is a third way that the committee travel is done and paid for. Honourable senators sometimes charge everything to their personal credit card and claim reimbursement for it.

The situation outlined by Senator Tkachuk, that is to say, where private charges are paid for by individual credit cards, is a perfect example. Does a senator who uses his or her individual credit card want the credit card number spread around to the public? That is the question. My suggestion is that if the information had been obtained by the normal means, by a senator asking a question of the committee of which the government leader is a member or asking a question of the chairman of the committee in question period, that information would have been made available in an appropriate way and would not likely have found itself into the hands of the national press, including the credit card numbers of people who are not senators and who are not members of the committee.

Senator Tkachuk: I am sure the committee will deal with this, but my understanding is, outside of exceptional or extraordinary circumstances, hotel rooms are not paid for by senators, they are paid for by the clerk. Many times, senators are given keys to their hotel room by the clerk, who has made previous arrangements. I do know that that is how it is done. Senators then give their personal credit card for personal effects.

I am not sure how things were handled in the case in question. Are we checking into what is public business, which is the clerk's credit card, which pays for the hotel rooms, or the personal expenses of the traveling senator? A hotel does not have permission to give out information on your and my personal effects, but a government credit card may be a different matter. How did your committee conduct its business? Who paid for all the hotel rooms? Was it the clerk or did senators pay individually for their hotel rooms and their expenses?

Senator Banks: In this case, the committee clerk paid for the hotel room charges. That is not the question, however, and, in fact, the question the honourable senator is asking has nothing to do with the motion. The motion has to do with the propriety of the person working in the honourable senator's office. It has nothing to do with personal information. Those things are not in question. Those things are all information that may or may not be available. The motion has to do with the means by which that information was obtained and has therefore, subsequently, found its way into the public domain, and nothing else. No dollar sign is included or referred to in my motion. My motion is about the actions of the employees of the government working in the offices of senators.

Senator Tkachuk: Just so that I am clear, in the case in question, the clerk paid for all of the hotel rooms and then each senator was responsible for personal expenses, whether it was a telephone bill, room service, or anything like that. Is that correct?

Senator Banks: I do not know and it is immaterial.

Senator Tkachuk: I think that is very material. In any event, I have asked my questions and the honourable senator has answered them, so we will go on from here.

Hon. Senators: Question!

Hon. Terry Stratton: Honourable senators, I would like to adjourn the debate.

The Hon. the Speaker: It is moved by the Honourable Senator Stratton, seconded by the Honourable Senator Tkachuk, that the debate be continued at the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Will those in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. There will be a one-hour bell.

• (1910)

The Hon. the Speaker: Honourable senators, the question is on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Tkachuk, that further debate be adjourned to the next sitting of the Senate.

Motion negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Angus
Champagne
Cochrane
Comeau
Di Nino
Gustafson
Johnson

Keon
LeBreton
Nolin
Oliver
Segal
Stratton
Tkachuk—15

NAYS THE HONOURABLE SENATORS

Atkins
Austin
Banks
Campbell
Cook
Corbin
Dawson
Day
Downe
Eggleton
Fairbairn
Fraser
Furey
Goldstein
Hays
Hubley

Jaffer
Joyal
Kenny
Lapointe
Mahovlich
Mercer
Milne
Mitchell
Moore
Munson
Ringuette
Robichaud
Stollery
Tardif
Zimmer—31

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, resuming debate.

Some Hon. Senators: Question!

[Translation]

Senator Comeau: Honourable senators, it is truly appalling that the majority in this house, the opposition, continues to throw its weight around against a small group of senators who wish to advance the work of the Senate. It is becoming increasingly clear that the honourable senators of the opposition have absolutely no interest in helping to create an impression, at least, that this House takes its responsibilities very seriously.

[English]

Honourable senators, Senator Mercer can wait until he is the leader on the other side and then he can take the floor.

Senator LeBreton: He might be the leader some day.

Senator Comeau: Just wait. He will have his chance to say something.

[Translation]

We have a tradition in this chamber, namely, that when a senator moves a motion, the other side of the house is given the opportunity to prepare. Not in this case, however. No one even pretends that we, in this House, practice equal opportunity or recognize the realities facing the other side of the House.

[English]

Does another senator want to be leader now? Just wait until the body is a little bit cold.

[Translation]

Honourable senators, personally, I am very happy to be part of a government that is innovative. First of all, the government wants to put an end to the culture of entitlement that is so firmly entrenched here in Ottawa. The new government is trying to replace the old system by establishing a sense of accountability, transparency and openness.

In other words, we want to boost the image of parliamentarians and other public office holders so that we can properly serve Canadians.

Honourable senators, if I may, I would like to quote a few statements.

I would like to make it clear that the notion of true accountability and transparency in government is of the utmost importance.

The second quotation reads:

All of us support transparency, openness and accountability.

And the third quote is:

I believe that we must not only preserve the transparency and integrity of our democratic system, but that we must continue and always work towards enhancing transparency.

If you feel you have already heard these statements, I commend you and I must say that you have a good memory. These are not my words but I nonetheless agree with them.

The first statement was made by Senator Day in this chamber on October 30, when he was presenting his observations on the Federal Accountability Act.

The second statement was made by Senator Cowan on October 4, when the Standing Senate Committee on Legal and Constitutional Affairs was addressing this same piece of legislation.

The third quote came from Senator Chaput on September 8, 2006, again during the work of the Standing Senate Committee on Legal and Constitutional Affairs.

You may have noticed that it was a Liberal senator who uttered each of these statements. In each case, the senator quoted said he or she was in favour of the government being more transparent and accountable. Each of these statements was made during review by the Senate of the Federal Accountability Act, which we recently considered.

You already know, but I will say it again, that it is Liberal senators who eviscerated the Federal Accountability Act, removing provisions that, in my opinion, constituted the very essence of the bill. These actions made me wonder whether the support they profess for transparency, openness and accountability in our government was really sincere.

Recently, Ottawa made the headlines with the short stay of the committee that went to Dubai. A somewhat curious employee updated a list of expenses totalling tens of thousands of dollars, money that was allocated for no good reason to certain senators who stayed in Dubai while waiting in vain for permission to go to a war zone, in the middle of a dangerous military operation.

[English]

Some Hon. Senators: Oh, oh!

Senator Mercer: Get on with it. Let's go.

[Translation]

Senator Comeau: Information released subsequently indicated that the chair of the committee was well aware that nobody would grant such permission.

To counteract the results of the employee's research, Liberal senators made accusations of spying and invasion of privacy.

I cannot help but wonder whether they thought their own outrage would make people forget the scandal they caused by wasting thousands of dollars of taxpayers' money. If the Liberals think that will make people forget their misdeeds, they are mistaken.

In fact, their scheme succeeded only in keeping their error in judgment on the front pages. How ironic that it is those same Liberal senators who are manipulating and repeating their shows of support for transparency.

[English]

Senator Mercer: Senator Michael Meighen — there is a quality senator, a good man.

Senator LeBreton: Ignore them. They are bleeding from the cheap seats back there.

• (1920)

[Translation]

Senator Comeau: When it was their turn in the hot seat and possible indiscretions were brought to light, it was found that errors in judgment had been made and that there had been misuse of public funds. Suddenly, they stopped talking about transparency.

Rather than focus our efforts on increased accountability in Ottawa, we are forced to devote precious time to debating this issue.

The motion reads:

...whether it is appropriate or permissible that persons working in the offices of senators, including senators who are Ministers of the Crown, should obtain or attempt to obtain from hotels used by senators conducting business properly authorized by the Senate, detailed breakdowns including lunches or other costs included in hotel invoices, and including any and all sundry costs associated with the stay...

That is the crux of the issue. Could Canadian taxpayers, who pay our salaries and paid for the trip to Dubai, care any less? Or do they want to know exactly how we spend every one of their tax dollars?

On September 26, well-known whistle-blowers Allen Cutler and Joanna Gualtieri appeared before the Standing Senate Committee on Legal and Constitutional Affairs to discuss the Federal Accountability Act. Senator Zimmer stated:

You are very courageous to be here today. You show leadership.

Senator Campbell said the following:

I believe you should be called information patriots.

He added:

In fact, the information patriot is acting as an auditor for instances that take place.

For his part, Senator Day said:

What you are doing is critical to many people.

Yet when a Liberal senator's actions are criticized, the Liberals go on the defensive, the weapons come out and the shows of support that were so visible previously disappear.

What happened to their great convictions about transparency and accountability?

I believe that there is still a way to change the culture of entitlement that pervades the halls of Parliament in Ottawa.

I would now like to speak to an issue that pertains directly to Senator Banks' motion. It seems that the Honourable Senator Banks is not like the rest of us. He has never misplaced a scrap of paper when travelling with a committee. I am sure you know exactly what I mean. I am talking about hotel invoices, receipts for taxis or lunches or suppers and all sorts of receipts for what he calls "sundry costs".

We need these receipts to prepare our claims, where every expense is listed and detailed. When we lose a receipt, we sometimes ask our staff to contact a hotel or restaurant for a copy of that important little document, and I am sure every one of us has done so at one time or another.

I propose to add an amendment to this motion to allow an employee to obtain a copy of a receipt for an expense incurred by a senator for whom the employee works.

MOTION IN AMENDMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Consequently, honourable senators, I move, seconded by the Honourable Senator Stratton:

That the motion, be amended by deleting the word "and" at the end of the first paragraph and by adding the following paragraph immediately thereafter:

"That the committee be directed to take into consideration whether it would be appropriate or permissible for persons working in the offices of Senators to obtain from hotels replacement receipts for the Senator in whose office they work should the originals be misplaced or be otherwise unavailable."

[English]

Hon. David Tkachuk: Honourable senators, I would like to move the adjournment.

Hon. Joan Fraser (Deputy Leader of the Opposition): I have a question.

Hon. Daniel Hays (Leader of the Opposition): Can I ask a question of Senator Comeau about the motion?

[Translation]

The Hon. the Speaker: We have the motion. Debate.

Senator Fraser: Honourable senators, we obviously have not had time to discuss this in caucus. Personally, I think it is quite useful for a senator's staff to be authorized by the senator to obtain such useful documents. If I have understood the motion correctly, it does not specify that the senator has to give authorization. Is that correct?

Senator Comeau: Allow me to refer to the motion. I will reread it in English.

[Senator Comeau]

[English]

That the motion be amended by deleting the word "and" at the end of the first paragraph and by adding the following paragraph immediately thereafter:

"That the committee be directed to take into consideration whether it would be appropriate or permissible for persons working in the offices of Senators to obtain from hotels replacement receipts for the Senator in whose office they work should the originals be misplaced or be otherwise unavailable."

Senator Fraser: That is what I thought the motion said. I listened to it twice and now three times. Thank you very much.

I hope Senator Comeau understands the nuance I am trying to express to him. I wonder whether he might be interested in amending his motion accordingly.

I suggest that in the same way that I would not want employees in another senator's office deciding on almost a freelance basis to investigate my expenses, nor would I want an employee in my own office to do that without my authorization. I suggest that the motion would be motherhood if the honourable senator specified in it that such an employee could only undertake this action with the authorization of the senator.

Senator Comeau: I have always been in favour of motherhood, apple pie, the flag and everything in between. If my motion is motherhood, by all means, let us make the amendment. Let us do it; and the honourable senator may wish to amend my amendment. I encourage her to do it if she wishes, but let us vote on my motion.

The committee itself may want to determine whether it is motherhood and apple pie, so let us vote on it and see what happens.

The Hon. the Speaker: Honourable senators, I know that Senator Johnson and Senator Fairbairn, who are chairs of committees, would like to seek leave to deal with business associated with their committee. With the permission of honourable senators, may I interrupt proceedings to call upon Senator Fairbairn?

Hon. Senators: Agreed.

Debate suspended.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Joyce Fairbairn: Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Agriculture and Forestry have the power to sit today, Tuesday, November 21, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

• (1930)

As a comment, honourable senators, the committee was to start its hearings at seven o'clock.

Hon. Terry Stratton: I will ask the usual question. Is there an extraordinary circumstance in this case, such as hearing from a minister, or is it for the normal process?

Senator Fairbairn: It is for the normal process, senator. It is not for a minister.

The Hon. the Speaker: Is leave granted to put Senator Fairbairn's motion?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Janis G. Johnson: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Fisheries and Oceans have power to sit today, Tuesday, November 21, 2006, even though the Senate may be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Terry Stratton: If I may ask the deputy chair, is the reason for the continuation of the meeting the same as that given by Senator Fairbairn?

Senator Johnson: Yes, it is.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

THE SENATE

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION—MOTION TO AUTHORIZE COMMITTEE TO STUDY PERMISSIBILITY OF SENATORS' STAFF INQUIRING INTO THE TRAVELLING DETAILS OF OTHER SENATORS— MOTION IN AMENDMENT— DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Tommy Banks, seconded by the Honourable Senator Moore, that the Standing Committee on Internal Economy, Budgets and Administration be directed to

examine and determine, in light of recent discussions and in light of present Rules, procedures, practices and conventions of the Senate, whether it is appropriate or permissible that persons working in the offices of senators, including senators who are Ministers of the Crown, should obtain or attempt to obtain from hotels used by senators conducting business properly authorized by the Senate, detailed breakdowns including lunches or other costs included in hotel invoices, and including any and all sundry costs associated with the stay; and

That the Committee be directed to report its determination to the Senate no later than Thursday, December 7, 2006;

And on the motion in amendment by the Honourable Senator Comeau, seconded by the Honourable Senator Stratton:

That the motion be amended by deleting the word "and" at the end of the first paragraph and by adding the following paragraph immediately thereafter:

"That the Committee be directed to take into consideration whether it would appropriate or permissible for persons working in the offices of Senators to obtain from hotels replacement receipts for the Senator in whose office they work should the original be misplaced or be otherwise unavailable; and"

The Hon. the Speaker: Honourable senators, we are now back on the motion in amendment of Senator Comeau.

Senator Tkachuk: I move the adjournment of the debate.

The Hon. the Speaker: It is moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Angus, that further debate on this item be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker: This is a motion to adjourn debate.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, on house business related to this matter, would the other side be interested in an agreement to hold all votes to dispose of this matter tomorrow afternoon — and I do mean tomorrow afternoon, not to let matter stand. We would have to agree to hold those votes by four o'clock.

Hon. Gerald J. Comeau (Deputy Leader of the Government): No, I think what I raised earlier still stands. There must be a certain amount of respect from the opposition side to allow us the opportunity to prepare ourselves. In this case, a motion was introduced the same afternoon, and the senator who moved the motion immediately rose and did not allow us to adjourn the motion so that we could prepare ourselves. We are not asking for much.

Senator Mercer: Did you not see it on the Order Paper?

Senator Comeau: We did not ask for much. We wanted to hear what Senator Banks had to say. We wanted to hear both his rationale and his reasons. It has been the convention in this place that we allow the other side to at least be able to reflect on the comments that were made and prepare our response.

Senator Mercer: I know you are fed up.

An Hon. Senator: Order!

Senator Comeau: We are not asking for much. Doing it on the fly, as we are doing tonight, is in no one's interest. However, when we get into these situations, we must be allowed —

Senator Mercer: As we give them —

Senator Comeau: If Senator Mercer wants to speak —

Senator Stratton: Ignore him. He does not exist.

Senator Comeau: Therefore, we do not agree with wrapping this up and going to the votes tomorrow afternoon. Let us do the votes tonight.

The Hon. the Speaker: Honourable senators, we are at the motion of Senator Tkachuk, seconded by Senator Angus, that further debate on this matter be adjourned to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

Senator Stratton: A one-hour bell.

The Hon. the Speaker: Honourable senators, may the chair be dispensed from sitting here for the hour?

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will be held at 8:35.

Call in the senators.

• (2030)

The Hon. the Speaker: Pursuant to rule 18, I would ask all honourable senators to respect the order of the house during the taking of a vote.

It was moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Angus, that further debate be adjourned until the next sitting of the Senate.

Motion carried on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Angus
Comeau
Di Nino
Gustafson
Johnson
Keon

LeBreton
Nolin
Oliver
Segal
Stratton
Tkachuk—13

NAYS THE HONOURABLE SENATORS

Mercer—1

ABSTENTIONS THE HONOURABLE SENATORS

Adams
Atkins
Banks
Campbell
Cook
Corbin
Cowan
Dawson
Day
Downe
Fairbairn
Fraser
Furey
Hays
Hubley

Jaffer
Joyal
Kenny
Lapointe
Mahovlich
Mitchell
Moore
Munson
Phalen
Robichaud
Stollery
Tardif
Watt
Zimmer—29

• (2040)

JUDGES ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-17, to amend the Judges Act and certain other acts in relation to courts.

Bill read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

FEDERAL ACCOUNTABILITY BILL**MESSAGE FROM COMMONS—
POSITION ON SENATE AMENDMENTS**

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

Ordered, — That a message be sent to the Senate to acquaint their Honours that this House:

Agrees with amendments numbered 1, 3, 13, 16, 17, 21, 26, 27, 32, 33, 55(e)(i), 63, 64, 66, 67, 70, 72 to 79, 81, 82, 84, 86, 87, 91, 93, 95, 97, 99, 103 to 106, 111, 112, 114, 117, 122, 124 to 127, 135, 144, 146, 152, 156 and 158 made by the Senate to Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability; but

Disagrees with all other amendments except amendments 29, 98 and 153, because this House believes that amendments 2, 4 to 12, 14, 15, 18 to 20 —

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, if I can interrupt, I know that this message goes on for 26 pages. Would we not benefit from a copy of the document before we proceed? I am not sure what the disposition on the other side is, but I would be interested to know. I would not want to deal with a complex document based on not having it in front of me, and I do not think the table is in a position to duplicate it and give it to us in a timely way. What is your wish?

The Hon. the Speaker: Honourable senators, in the normal practice there would be a motion, or an expression of the will of the house that I would dispense from the reading of the message, but I think that the Honourable Leader of the Opposition is saying that it is very long and it will take time for us to have it

printed and circulated. If honourable senators were to say that I should dispense with reading the entire message, I then must put the question: When shall this message be taken into consideration? If the two sides had an understanding as to when that would happen, perhaps we would accomplish the objective that all honourable senators wish to accomplish.

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): We agree with the hon. Leader of the Opposition's proposal. We agree with the suggestion to dispense with reading all the amendments and move on immediately to the motion, which will be moved by the Leader of the Government.

[English]

The Hon. the Speaker: The indication is that if I dispense from reading it all, when I put the question as to when the message shall be taken into consideration, the government will propose that it be done at the next sitting of the Senate.

Hon. Marjory LeBreton (Leader of the Government): That is correct.

The Hon. the Speaker: Is it the will of the house that I dispense?

Hon. Senators: Agreed.

The Hon. the Speaker: When shall this message be taken into consideration?

On motion of Senator LeBreton, message placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Senate adjourned until Wednesday, November 22, 2006, at 1:30 p.m.

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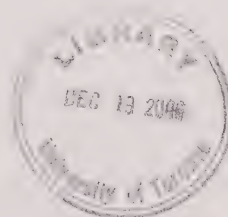
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NUMBER 52

OFFICIAL REPORT
(HANSARD)

Wednesday, November 22, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Wednesday, November 22, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL DAY OF TOLERANCE

Hon. Yoine Goldstein: Honourable senators, last week, during the break, we marked the International Day of Tolerance. This date is an important milestone, since 2006 marks the tenth anniversary of the creation of the International Day of Tolerance by the United Nations General Assembly.

It is also significant that the day comes so soon after Remembrance Day, since intolerance and hatred are the root causes of the wars and conflicts in which our soldiers have fought so bravely and continue to fight to this day.

The need for citizens to tolerate those who are different from themselves is a basic requirement for societies that wish to avoid open conflict. However, to build that kind of society, the kind of society that we truly desire, the kind in which each person is valued for his or her unique qualities and identities, we must go far beyond the passive act of tolerance and engage in the kind of active learning and understanding that will enable us to celebrate the diversity — and the importance of diversity — of our fellow citizens.

This embracing of diversity does not always come easily; it must be nurtured. The governments of Canada — the provinces, the territories and our many municipalities — have risen to this challenge, and have created programs and policies that foster respect for diversity.

Many citizens and citizens' groups also have taken on the cause by forming organizations such as Montreal's La Fondation de la tolérance, which is also celebrating its tenth anniversary, and which encourages citizens to become familiar with each other and to treat one another as equals.

Always more work remains to be done, but we have made much progress in Canada.

Respect for diversity and for difference is a fundamental Canadian value. The ability of Canadians to appreciate and find strength in our diversity is one of our greatest accomplishments, and is also the cornerstone of our country's achievements in all other areas, from economics to the arts.

This success has been repeatedly recognized by governments and organizations from around the world. Most recently, as you know, the Aga Khan Development Network is pioneering in partnering with the Government of Canada to build a new global centre for pluralism in Ottawa.

Unfortunately, the destructive power of intolerance has been far too evident in the past 10 years. Whether it is present in subtle acts of daily discrimination, or in high-profile events such as the conflicts in Kosovo, East Timor and Darfur, much needs to be done before intolerance will become a thing of the past.

Canada continues to demonstrate that it is possible for those from virtually every identity imaginable to construct a society and live at peace in a society founded on mutual respect and understanding.

If the Day of Tolerance were instead to be a year of tolerance, 365 days, we would no longer need a Day of Tolerance; and we all hope for that day to come.

Hon. Senators: Hear, hear.

GREY CUP 2006

CONGRATULATIONS TO B.C. LIONS

Hon. Larry W. Campbell: Honourable senators, this past weekend Senator Zimmer and I had the honour of attending the Grey Cup on your behalf. To say that it was an arduous and dangerous assignment would be an understatement. Late nights and early mornings were the order of the day.

That the B.C. Lions triumphed over the Montreal Alouettes, of course, is important, but just one of the reasons for celebration. The city of Winnipeg put on a tremendous show. From the Grey Cup parade and the cultural entertainment to the actual game, everything was first-class.

The Grey Cup is a uniquely Canadian event. We reconnect as a country. Fans from coast to coast gather, exchange good-natured jabs and talk about home. This year, our troops were honoured and General Rick Hillier was front and centre during the week.

Finally, I congratulate the Grey Cup committee, headed by David Asper, Premier Gary Doer of the Province of Manitoba, Sam Katz, the Mayor of the City of Winnipeg, and the thousands of volunteers who worked so hard to provide everyone with a safe and memorable time.

Today, in the city of Vancouver, the Grey Cup champions, B.C. Lions, are being welcomed home with a large event at B.C. Place stadium.

Roar, you Lions, roar.

GEORGINA FANE POPE

BRONZE BUST IN MEMORY OF CONTRIBUTION TO THE ARMY NURSING SERVICE AND MEDICAL CORPS

Hon. Percy Downe: It is with great pleasure that I celebrate the national recognition of a daughter of Prince Edward Island, Georgina Pope.

A bronze bust of Pope has been erected to commemorate her contribution to Canadian military history as part of the new Valiants Memorial in Confederation Square in downtown Ottawa. This national monument was unveiled on November 5, 2006, as part of Veterans' Week. The memorial honours 14 Canadians for their service during five separate wars.

• (1340)

Georgina Fane Pope is fondly remembered as the first permanent member of the Canadian Army Nursing Service, and has greatly contributed to Canadian military service.

Georgina Pope, daughter of William Pope, a Father of Confederation, was born in Charlottetown in 1862. As a member of a prominent Island family, Pope could have easily settled into the expected lifestyle of the times. However, Pope had far greater aspirations. Her journey began at the Bellevue School of Nursing in New York, where she received her medical training. She remained in the United States until 1899, when she volunteered for nursing service in the Boer War. Georgina Pope, as senior nurse, and three other nurses were members of Canada's first contingent to South Africa where they served north of Cape Town. After the initial five months, Georgina Pope and another nurse headed further north, where they took control of a military hospital that had been ravaged by disease. After a year of emotional and physical hardships in South Africa, Ms. Pope returned to Canada.

Georgina Pope returned to South Africa in 1902. This time she headed a group of eight Canadian nurses, which was known as the official Canadian Army Nursing Services, part of the Canadian Army Medical Corps. Ms. Pope and her nursing colleagues remained in South Africa until the end of the war.

In 1903, Georgina Pope was recognized for her service in the field when she was the first Canadian awarded the Royal Red Cross by Queen Victoria.

In 1906, Georgina Pope was appointed to the permanent forces in Halifax, as part of the Canadian Army Medical Corps. After only two years in this position, in 1908, she became the first person to earn the position of Matron of the Canadian Army Medical Corps. Several years later, Ms. Pope returned overseas to assist the efforts of the First World War. She was stationed in Canadian military hospitals in both England and France until the end of 1918. She then returned to Charlottetown where she died in 1938.

The inscription on the wall below the monument in Confederation Square captures the spirit of the new memorial:

No day shall ever erase you from the memory of time.

All Canadians and Prince Edward Islanders can be proud of the dedication and service given to Canada by Georgina Pope.

[Translation]

MR. CARMEN PROVENZANO

TRIBUTE BY CITY OF SAULT STE. MARIE

Hon. Marie-P. Poulin: Honourable senators, on September 16, in Sault Ste. Marie, in northern Ontario, an event took place that shows how one person can change the life of an entire community.

The event honoured the legacy of a politician who worked relentlessly behind the scenes to make sure his city was not forgotten by Ottawa.

In return, the people of Sault Ste. Marie showed that they had not forgotten the highly respected Carmen Provenzano, who unfortunately died suddenly in July of last year.

Carmen represented the riding as a Liberal Member of Parliament from 1997 to 2004, earning a reputation as a tenacious gentleman.

Thanks to his perseverance, the previous Liberal government's federal infrastructure program paid a third of the \$15 million cost of the truck route between the International Bridge and Highway 17 leaving the city.

Honourable senators, this project cuts in half the 34-kilometre route that trucks had to take through the city, thus reducing heavy traffic, noise and pollution in Sault Ste. Marie.

The city's Chief Administrative Officer, Joe Fratesi, recalled Carmen Provenzano's quiet but efficient struggle to make the transportation corridor a reality. He said:

Carmen made the phone calls with no fanfare, no self-accolades. "Just doing my job", according to Carmen.

Honourable senators, the new truck route is known as Carmen's Way, in tribute to a man who, as a commemorative plaque states, was a dedicated resident and Liberal MP who worked tirelessly for his community.

I had the privilege to work with Carmen, a man of integrity who respected others. Considering his determination to obtain federal funding, even after initially being turned down, he clearly was someone who did not take "no" for an answer.

Mayor John Roswell pointed out that Carmen's Way is crucial to the city's multimodal transportation plans. The road is a memorial to Carmen, his sister Ada, and the entire Provenzano family.

• (1345)

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Her Excellency Kolinda Grabar-Kitarovic, Minister of Foreign Affairs and European Integration of the Republic of Croatia. She is accompanied by Her Excellency Vesela Mrden Korac, distinguished Ambassador of the Republic of Croatia to Canada.

On behalf of all honourable senators, welcome to the Senate of Canada.

[Translation]

(g) any other related section of the *Constitution Act, 1867*; and

That the Committee submit its final report no later than June 21, 2007.

ROUTINE PROCEEDINGS

PUBLIC SERVICE INTEGRITY OFFICE

2005-06 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the annual report to Parliament of the Public Service Integrity Office for 2005-06.

[English]

CANADA-FIRST NATION EDUCATION JURISDICTION AGREEMENT

TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Canada-First Nation Education Jurisdiction Agreement.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY PROVISIONS OF CONSTITUTION ACT, 1867
RELATING TO SENATE

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Rules, Procedure and the Rights of Parliament be authorized to examine and report upon the current provisions of the *Constitution Act, 1867* that relate to the Senate and the need and means to modernize such provisions, either by means of the appropriate amending formula in the *Act* and/or through modifications to the *Rules of the Senate*. In particular, the Committee shall be authorized to examine:

- (a) section 23 of the *Constitution Act, 1867*, with respect to the qualifications of a Senator;
- (b) sections 26 and 27 of the *Constitution Act, 1867*, with respect to the addition of Senators in certain cases and the reduction of the Senate to its normal number;
- (c) section 29 (1) of the *Constitution Act, 1867*, with respect to tenure in the Senate;
- (d) section 31 of the *Constitution Act, 1867*, with respect to the disqualification of Senators;
- (e) section 34 of the *Constitution Act, 1867*, with respect to the appointment of the Speaker of the Senate;
- (f) section 36 of the *Constitution Act, 1867*, with respect to voting in the Senate;

• (1350)

QUESTION PERIOD

FINANCE

INCOME TRUSTS—CHANGE IN TAX TREATMENT

Hon. Grant Mitchell: Honourable senators, 36 per cent of all income trusts are Alberta based. Some 45 per cent of all income trusts by value are oil and gas, synonymous largely with being Alberta based. Royalty income trusts are a particularly efficient vehicle for financing the heavy capital cost of oil and gas exploration and production, especially for small oil and gas producers who have been very responsible in keeping that industry Canadian.

My question to the Leader of the Government in the Senate is as follows: Before flip-flopping on the income trust issue, did her government consider the impact of this betrayal on the small oil and gas producers, who are not just the engine of the Alberta economy but also a very important part of the engine of the entire Canadian economy?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Mitchell for his question.

I shall take the specific question that the honourable senator asks as notice and determine from the Minister of Finance what considerations were taken into account in dealing with the issue of income trusts.

However, as honourable senators know, the decision of the government was made with very few people being involved because of the damage done last year as a result of leaks. As well, of course, the decision of the government, while it did cause some difficulty, was necessary in order to ensure tax fairness and to protect the tax base of the country.

With regard to the specific question of the honourable senator concerning the oil and gas industry, I shall simply take it as notice.

Senator Mitchell: It may be difficult for the leader, who is thousands of miles distant from the actual issue, but it is far more than difficult for the people of Alberta and for those small oil and gas producers and for many Canadians across this country who depended upon those oil and gas and other income trusts for their income.

Is the minister admitting that the government, therefore, over its many months in government and as it considered this policy, did not actually consult the oil and gas industry in this country, particularly the small oil and gas producers who, as I said, are critical to keeping this particular industry Canadian in this country?

Senator LeBreton: I am not admitting any such thing. I believe the Minister of Finance, his officials and the people with whom they were working, as the Minister of Finance said, regretted that this difficult decision had to be made. It was a decision that was supported even by Liberal critic in the other place, and it was supported by the ministers of finance of the various provinces.

As honourable senators know, the fact that it did not leak out would indicate that the minister made this decision based on the knowledge that the Canadian tax base was being severely threatened. The proof that this announcement was made and there was no speculation in the market would indicate the responsibility shown by the Minister of Finance in taking this important decision.

Senator Mitchell: Honourable senators, yesterday the Leader of the Government in the Senate actually, unbelievably said, and I quote:

...I have not seen any evidence that individuals have lost large sums of money.

Given the thousands of emails that we on this side of the house have been getting to the contrary, she is either being wilfully ignorant, she does not read her emails or people are not aware of her email address.

• (1355)

For the record and for the information of Canadians, so that they can be sure that their emails reach her, can the leader confirm that her email address is lebrem@sen.parl.gc.ca and that her telephone number is 613-943-0556?

Senator Angus: Are you spying on the Leader of the Government?

Senator LeBreton: First, honourable senators, I am tempted to tell Senator Mitchell that he does not have to shout at me. There is a sound system in the Senate.

As I said yesterday, my remarks are made on the basis of what I have read in the financial pages, which is that people, upon reflection and with the help of their investment dealers, have realized —

Senator Mitchell: Can you speak up, Marjory? I cannot hear you.

Senator LeBreton: Use your ear piece.

With proper investment advice, people have learned that they have four years to divest their income trusts.

As I said yesterday, I am receiving emails. I have read the emails, and a significant number of them are obviously part of an organized campaign, as the message is a simple repetition and the language used is almost identical. As I also said yesterday, people have an absolute right to organize such campaigns.

My email address and phone number are as the honourable senator stated, and are a matter of public record. I take messages sent to me seriously.

Hon. Tommy Banks: Honourable senators, speaking of organized email campaigns, I can report to you that Jeffrey Kroeker's email address is kroekj@sen.parl.gc.ca.

Senator Mercer: Only for a short while.

THE ENVIRONMENT

UNITED NATIONS PROCESS ON CLIMATE CHANGE AND KYOTO PROTOCOL—GOVERNMENT POSITION

Hon. Tommy Banks: I have a happy question to ask of the Leader of the Government in the Senate today. If the answer is a positive one, as I hope it will be, it will cause bells to ring in the land and dancing in the streets. We will be able to put aside all our past niggling differences and move forward into the sunlit uplands of ecological environment.

The question is about a quote in an article in yesterday's *Ottawa Sun*. We all know how accurate the press is when they put quotation marks around things, so I will assume that this is a correct quotation from Minister Ambrose speaking in Nairobi.

It reads:

'To those of you who might question our resolve to stand together on this urgent issue,' Ambrose told the Nairobi gathering, 'let there be no doubt: Canada remains strongly committed to the UN process ... strongly committed to Kyoto.'

I look forward to a positive answer to this question. Is that an expression of the policy and attitude of the Government of Canada at this time?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Minister Ambrose has never changed her view. That misapprehension has been due to misrepresentations. When she spoke at the Nairobi conference, she spoke out to the world with something that the media and people in this country have not been used to, that is, honesty from their government.

As Minister Ambrose pointed out, the government is committed to the UN climate change process and constructive efforts for a truly global response to climate change. Minister Ambrose has said many times that this global challenge requires global solutions and that Canada will be a full partner in it.

• (1400)

Senator Banks: I would be delighted to learn that I have been operating under a misimpression and to be disabused of that misimpression. If the leader can confirm to me that the minister said the position of the Government of Canada is to remain strongly committed to the UN process and Kyoto, and that that is the position of the Government of Canada, I and everyone will be thrilled to know we have been labouring under a misimpression.

Senator LeBreton: Minister Ambrose has always been committed to these initiatives. She is committed to the Kyoto process.

As she explained very honestly in Nairobi, the one problem is that the previous government committed Canada to targets we cannot live up to. As a matter of fact, the situation grew much worse under the previous government. Minister Ambrose was simply making an honest statement, and she is very committed.

The minister acquitted herself extremely well in Nairobi, under unbelievable pressure and circumstances.

Some Hon. Senators: Hear, hear!

Senator LeBreton: When comments were being made about the fact that Canada had received more than one fossil award this year, interestingly the previous government did not bother to point out it also received many such awards in the past.

Hon. Jack Austin: With respect to the question of Kyoto, I was hoping Minister Ambrose was not endorsing Stéphane Dion's dog, because that dog is named Kyoto.

Senator Tkachuk: Very funny.

Senator Austin: Better than gophers. Gophers are down.

I wonder if the minister can explain to us the reconciliation between the many speeches Minister Ambrose made about a made-in-Canada policy on the environment and this recently discovered Kyoto commitment.

Senator LeBreton: I found the preamble to the question insulting, when the honourable senator suggested that Minister Ambrose would not know that Kyoto was something more than Stéphane Dion's dog. That is the level of arrogance.

Some Hon. Senators: Hear, hear!

Senator LeBreton: It is uncalled for.

Senator Tkachuk: Hear, hear! There are smart guys on that side.

Senator Austin: She does not know anything about Kyoto, and neither does your government.

Senator Tkachuk: Of course not. Only Senator Austin does; he knows everything.

Senator LeBreton: I will just sit down because Senator Austin is the great expert.

Senator Austin: Yes, I am.

Senator LeBreton: Minister Ambrose has been very consistent. We certainly understand the commitments that were made. Even when the former Prime Minister signed on, there were those, including people running for the honourable senator's own leadership, who said that they knew the moment they signed on that they could not live up to those commitments.

Minister Ambrose has never said that she did not support Kyoto. She is talking about having made-in-Canada solutions in order to put our own house in order and, by so doing, to contribute to the objectives of the Kyoto protocol.

Senator Austin: I wish to point out to the government leader that those statements are enormously different from earlier statements made by Minister Ambrose, who said that Kyoto objectives are not attainable and, therefore, we are walking away from them, blamed the Liberals for setting up those targets and said that she and her government will make a made-in-Canada policy instead. That is an enormous difference.

• (1405)

I have attended her speeches, including the one at the GLOBE Foundation in which there was total silence with respect to the commitments in that room by those who represented many nations when she said, "We cannot meet and we will not even try to meet any of the targets." She abandoned programs, including the One-Tonne Challenge, for example, and ones with respect to energy efficiency. She wiped them all out to develop a clean air bill, which is now being profoundly reworked, if at all possible, in the other House.

I want to suggest to the minister that the government should accept the fact that its environmental policies are a failure and work with the whole of Parliament to renew our commitment to Kyoto and work towards the target. I would be happy to hear her answer.

Senator LeBreton: Honourable senators, the only failure in all of this area lies with the Liberal government, by not living up to any commitment. The fact is that for the first time a government is putting in place a regulatory framework to deal with smog in this country. We are working with our international partners to try to address the serious issue of climate change.

This government has been in power for eight months. We inherited, as the minister pointed out in Nairobi, a file on which nothing had been done. It is too early for anyone to judge this government on the environment, especially since the previous government did nothing in 13 years.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

NUNAVUT—STATUS OF LITERACY PROGRAM

Hon. Willie Adams: Honourable senators, my question is to the Leader of the Government in the Senate. It has to do with the cutbacks to the literacy program, especially in Nunavut.

After settling the land claim, we have been upgrading more people to do the work of the Nunavut government.

The education system in the territories began in 1950. At that time, we had a typical program in the Arctic. It was at that time, in 1950, the government stepped in. Some communities only offered up to grade 6 or grade 8. Now, because of regulations, we have education that must go up to grade 12.

At that time, we had schooling up to grade 8, for people who do not want to travel to other communities. To go to grade 12, they had to go to Churchill, Manitoba, Yellowknife or Iqaluit. Today, if they want a job, they must have grade 12. Will the government put more money into literacy programs in Nunavut?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I can assure the honourable senator that the government's adult learning, literacy and essential skills program has not been eliminated and will not be eliminated. All existing agreements have been honoured.

As I reported in answers to other questions, currently the government is working with the people in the community, especially through the Department of Indian and Northern Affairs and Minister Prentice. A significant amount of money has been set aside in that department, in addition to the money in the literacy program, to address this important and serious issue.

• (1410)

I simply encourage the honourable senator, when working with people in his area, to encourage them to access the programs that are available, both through the literacy program and through the Department of Indian and Northern Affairs.

HERITAGE

FUNDING OF FIRST NATIONS CONFEDERACY OF CULTURAL EDUCATION CENTRES

Hon. Lorna Milne: Honourable senators, my question is to the Leader of the Government in the Senate.

Given this government's refusal to honour the Kelowna accord, I was not surprised by Minister Oda's announcement that the \$160 million remaining from the amount allocated in 2002 for Aboriginal languages has been removed from this government's list of outstanding commitments. Her government insists on studying new ways of distributing funds for this purpose.

The reported restoration of only \$40 million for the Aboriginal Languages Initiative does not begin to make up for the loss of \$160 million. Will Minister Oda agree to meet with officials from the First Nations Confederacy of Cultural Education Centres to discuss this shortfall of \$120 million in funding?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. It was interesting that when now Member of Parliament, former Prime Minister, Paul Martin, appeared before a committee in the House of Commons a week or so ago with regard to the Kelowna accord, he was asked to produce the document. He could not do so but instead relied on a press release with no signatures or fiscal framework.

With regard to the specific program that the honourable senator refers to, I will take the question as notice.

I am sure all senators on the honourable senator's side have read Eddie Goldenberg's book, *The Way it Works*. If not, I will refer honourable senators to pages 147 and 148:

Martin always argued vigorously, even at times of budget surpluses, against the Prime Minister's support for a substantial increase in foreign aid. One day as we sat in the living room at 24 Sussex, Martin, to our astonishment, told the Prime Minister, in all seriousness, that because many Aboriginal Canadians live in Third World conditions, federal spending on Aboriginals should be counted as the

equivalent of foreign aid. When Chrétien then suggested increasing the budget for Aboriginals, the finance minister argued that enough is already being spent on them.

Senator Milne: I want to tell honourable senators that I am so busy reading up on everything this government has cancelled that I do not have time to read any of Goldenberg's books.

The federal government has insisted on studying these new ways to distribute these monies rather than through the First Nations Confederacy of Cultural Education Centres. These centres exist in every region of Canada and they have a mandate to produce language materials for First Nations and provincial schools. They have been doing this work successfully since 1971.

What can the government possibly study quickly enough to replace this proven successful process and work to reverse what Senator Gill has been telling us is a negative trend? Why must this government insist on reinventing the wheel? Why cut these people off?

Senator LeBreton: Senator Milne said she is busy reading things our government is doing. I am busy reading all the great things our government is doing, but I still have time to read Eddie Goldenberg's book.

I do not believe we are cutting anyone off. The \$2.6 billion has been allocated over two years to Aboriginal learning and education. Because the honourable senator is inquiring about a specific program that I do not have an immediate answer for, I will simply commit to her that I will ask the minister what exactly has been done with that particular program.

• (1415)

FINANCE

BANKRUPTCY AND INSOLVENCY LAW— INTRODUCTION OF AMENDING LEGISLATION

Hon. Yoine Goldstein: Honourable senators, my question is directed to the Leader of the Government in the Senate.

Bankruptcy and insolvency law is framework legislation. This legislation is fundamental to the social fabric and the economy of the country. Its importance to the social fabric is obvious when one takes into account that almost 100,000 individual Canadians —

Senator Mercer: Did you say 100,000 Canadians?

Senator Goldstein: The honourable senator is talking about the social programs that this government cut; I am talking about the 100,000 Canadians that go into bankruptcy each and every year.

For most of them, this is their only contact with the legal mechanisms of the state. By and large, their bankruptcy is caused not by a desire to take advantage of the system or to abuse it but, rather, because of some horrible thing that has happened to them — loss of a job, loss of a loved one, illness and so on. These people are not creators of abuse but victims in the sense that the credit system that is essential to the workings of this country, and of any western economy, requires a manipulation of the credit system that they are not trained to deal with.

On the other hand, corporations also go into bankruptcy. They also go into states of reorganization. Insolvency of corporations is also a phenomenon of the credit system and of entrepreneurship within the credit system because some entrepreneurial initiatives succeed while others fail. Where they fail, the companies go into bankruptcy. Where they succeed, the companies do not. Where they are on the cusp, reorganization mechanisms contained in legislation are essential to the ability of these marginal corporations to continue to survive, to contribute to the economy and to contribute to the maintenance of employment.

We all recall that in 2003 the Senate Banking, Trade and Commerce Committee submitted a fundamental report with respect to bankruptcy and insolvency. Partially as a result of that report and partially as a result of a variety of other initiatives, a bill was introduced. We all remember that bill, rather painfully, when it was thrust upon us in November by the other place, virtually unread, certainly unstudied and with a horrible number of flaws in it. As a result, we correctly extracted from the government then in place an undertaking that the proposed legislation would not be proclaimed unless and until the Senate's Banking, Trade and Commerce Committee had had an opportunity to look at it appropriately and properly.

Nine months have elapsed since this government was elected. Nine months is long enough to have a baby, but, apparently, it is not long enough to be able to introduce legislation that is apolitical and essential to the well-being of this country.

My question is the following. I have asked this question informally in the past and I am now asking this question formally: When will bankruptcy and insolvency amending legislation be introduced by the present government?

My preference would be for the government leader to take this question as notice, so that her answer will be precise.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. It is true; he has asked this question of me quite regularly. I asked Senator Johnson to stay around to be my witness, because this morning, in her presence, I spoke to Minister Bernier. He advised me that he and his officials are meeting later this week and that he will have an answer for me — because I continue mentioning Senator Goldstein — in the next few weeks as to when this legislation will actually be tabled in Parliament.

Senator Goldstein: Can the leader give us a specific date by which she will give this chamber an answer?

Senator LeBreton: If that is a serious question, I will get that from the minister, because he did tell me this morning that he is meeting his officials, almost as we speak. I shall undertake within the next week to provide the honourable senator a definitive date.

HEALTH

BRITISH COLUMBIA—REPORT ON STATE OF DRINKING WATER IN LOWER MAINLAND

Hon. Jeremiah S. Grafstein: I have a question for the Leader of the Government in the Senate with respect to the drinking water

crisis in Greater Vancouver and the Lower Mainland of British Columbia.

• (1420)

It appears now, based on some newspaper reports, that, in 2000, a Health Canada study found a direct link between muddy drinking water and gastrointestinal illnesses in the Lower Mainland. Obviously, it is of widespread application.

My question to the government leader is the following: Has that report by Health Canada been updated, so that we can determine whether Health Canada has followed this issue since the year 2000?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question.

I have been watching the situation in British Columbia very closely, as have we all. I was fascinated to see on the news the water coming over the Cleveland Dam and the conditions of the water in Vancouver.

I have a son who lives in Victoria. Even though their water has not been affected, there has been water on the island, in Nanaimo and other places, that has been affected.

I shall ask my colleague, the Minister of Health, Tony Clement, what has transpired since that report was written in the year 2000. I shall ascertain whether any action was taken or whether Health Canada is updating that report as a result of this latest crisis.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Joan Fraser (Deputy Leader of the Opposition): On a matter of house business, could I ask the Deputy Leader of the Government in the Senate if he could explain to all honourable senators what he sees as the plan for the conduct of house business for the remainder of this week?

As we know, there are some important items before this chamber. As we also know, senators — particularly those who live some distance from Ottawa — would like to be able to have some certainty in their travel plans. I wonder if the deputy leader would explain the plan.

This afternoon, I know Senator LeBreton is expected to speak on the message from the House of Commons in connection with Bill C-2. I think it is probably a safe guess that she will be moving concurrence with the message from the House of Commons. She will be followed by Senator Hays, who will be moving that we refer the matter to the Standing Senate Committee on Legal and Constitutional Affairs.

Beyond that, how does the deputy leader envisage matters?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Indeed, my understanding is that Senator LeBreton will be delivering a great speech this afternoon on the motion of Bill C-2. I understand Senator Hays has an excellent speech, and that Senator Austin and Senator Day will be speaking this afternoon as well. I believe my colleague, Senator Stratton, also has some words, and there may be others.

That will be followed up by Senator Angus on Bill S-5. Senator Angus is always a delight to listen to on the floor of the Senate. I am hearing comments from the background here.

Then we will be dealing with Bill S-4. Senator Joyal and Senator Bryden have some speeches. There is quite a bit more to go on the agenda.

For the more important part beyond today, I would suggest that the other side may wish to consider the idea of proceeding with Bill C-2 on the floor of the Senate, as a means of dealing with the message that has been received from the House. Given that this bill has been thoroughly dealt with in great detail in the Standing Senate Committee on Legal and Constitutional Affairs, we may want to deal with the bill on the floor of the Senate in Committee of the Whole. If that is the case, I think we may be able to relax a bit on Friday and Monday.

Otherwise, we see a great deal of work to be done. If this bill gets referred to the Standing Senate Committee on Legal and Constitutional Affairs, we may have to work on days that we do not like to work on.

As well, the same consideration might be given to Bill S-4. This bill was thoroughly studied by a special committee that was mandated to look at the question of tenure. A great number of witnesses appeared before that committee, and the committee was made up of extremely serious senators who looked at many aspects of the bill. Given that the subject matter of this bill has been studied in great detail, again, we might consider having this bill looked at in Committee of the Whole so that all senators who have not had their say on this bill might do so.

That would give us an opportunity to look at these bills as a whole chamber and let the Canadian public hear what we have to say on the question of accountability in Bill C-2 and on the question of Senate tenure on the floor of the Senate in the full light of day. If these two proposals might be considered by the other side, we may be able to agree to arrangements that are satisfactory to all.

Senator Fraser: We always give careful consideration to proposals that come from the Deputy Leader of the Government and his colleagues. He is aware that, on our side, we believe that committee study, rather than Committee of the Whole study, is the appropriate way to go on both of these pieces of legislation.

Senator LeBreton: We have done it on both.

Senator Fraser: We will have to see how things play out.

Senator Comeau: I cannot let that last comment go without a response. Both of these bills, Bill C-2 and Bill S-4, were studied in great detail in committees. In the case of Bill S-4, I sat on that

committee as one of the members. As the honourable senator knows, an extremely capable senator chaired that committee; her colleague who sits right next to her did an outstanding job as chair. We had excellent members. The work in committee has been done.

By sending it back to committee, we are suggesting the work done by the committee was not appreciated and was not thorough. We are saying that it was. Bill C-2 also has been studied in great detail in committee. We do not need to send these bills back to those committees. Whatever must be said can be said on the floor of the Senate because these two committees did absolutely marvellous work.

I watched my colleague sitting beside me, Senator Oliver, work extremely hard, along with Senator Day and his colleagues, Senator Andreychuk and others. They all worked extremely hard in the Standing Senate Committee on Legal and Constitutional Affairs. They did their work. Why send the legislation back to the very same committees that studied it?

As far as possibly sitting this Friday and Monday, I should remind honourable senators that we did agree to not sit next Thursday. We do that very gladly, but it will take away from some of our Senate time.

I do not think I need to remind any honourable senator in this chamber of the importance that the other place attaches to both Bill C-2 and Bill S-4. I am not saying anything out of school about the importance both of these bills have to the government and to the House of Commons, which is waiting for them. Both of these bills were introduced last spring and they have been languishing here for months.

Bill S-4 originated in this place. However, eventually, we must send it to the House of Commons, in amended form or otherwise, so that they can look at it.

Bill C-2 is one of the cornerstone bills of the government's platform. It is no secret; accountability legislation was part of the present government's campaign. Either we in the Senate make up our minds to go with Bill C-2 or not; but let us do so on the floor of the chamber, where people can listen to what we have to say.

• (1430)

FEDERAL ACCOUNTABILITY BILL

MESSAGE FROM COMMONS—POSITION ON SENATE AMENDMENTS—DEBATE ADJOURNED

The Senate proceeded to consideration of the Message from the House of Commons concerning Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Honourable Senator LeBreton, P.C., moved:

That the Senate concur in the amendments made by the House of Commons to its amendments 29, 98 and 153 to Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability;

That the Senate do not insist on its amendments 2, 4 to 12, 14, 15, 18 to 20, 22 to 25, 28, 30, 31, 34 to 54, 55(a) to (d), 55(e)(ii) to (viii), 56 to 62, 65, 68, 69, 71, 80, 83, 85, 88 to 90, 92, 94, 96, 100 to 102, 107 to 110, 113, 115, 116, 118 to 121, 123, 128 to 134, 136 to 143, 145, 147 to 151, 154, 155 and 157 to which the House of Commons has disagreed; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

The Hon. the Speaker: The Honourable Senator LeBreton moved, seconded by the Honourable Senator Comeau, that —

Hon. Gerald J. Comeau (Deputy Leader of the Government): Dispense.

The Hon. the Speaker: Shall I dispense, honourable senators?

Hon. Senators: Dispense.

Hon. Anne C. Cools: Could we have copies of the motion? That motion is exceptionally large and I am of the opinion that colleagues should have a copy of it before debate begins.

The Hon. the Speaker: If honourable senators are agreed —

Senator Cools: If these are copies from the table, the table made —

The Hon. the Speaker: If the chair can get a word in here.

Honourable senators, in anticipation, we have prepared copies of the amendments to Bill C-2 that were adopted by the Senate and sent to the House of Commons. They were distributed earlier today and with your consent will be distributed, honourable senators, to assist in senators' consideration of the message. Is it agreed, honourable senators, that the message be distributed to the house?

Hon. Senators: Agreed.

Senator Corbin: On the proviso that it is in order.

Hon. Marjory LeBreton (Leader of the Government): Those present last night received the message from the House of Commons.

Honourable senators, here we go again, on the verge of ushering in a new era of accountability in Canada, an era where Canadians will know better how their hard-earned tax dollars are spent and an era where Canadians will feel more confident that individual citizens and not a chequebook will play a role in the political discourse of this country, an era that will effectively throw open the doors on Parliament to allow the light to shine in on how public officials operate in Ottawa.

The government, in drafting the proposed federal accountability act, listened to many stakeholders. The Conservative Party of Canada campaigned across the country for some 48 days. As a matter of fact, the campaign started a year ago next Wednesday, November 29. We campaigned across the country for some 48 days promising that if we were entrusted with

the government of this great country that we would end the era of corruption and entitlement that for years eroded the faith that Canadians had in Ottawa and in the institution of Parliament.

It is worth noting that all parties in the other place contributed to this bill and, as such, made this legislation stronger. When the proposed federal accountability act came to the Senate, the message was clear. This first major piece of legislation was the government's number one priority and it needed the support, and indeed it hoped fervently for the support, of the Senate.

When the proposed federal accountability act was sent to the Standing Senate Committee on Legal and Constitutional Affairs the bill was given a thorough examination. The Standing Committee on Legal and Constitutional Affairs met 30 times, listening to over 105 hours of testimony from nearly 160 witnesses.

I would like to take a moment to acknowledge the work of Senator Day, Senator Zimmer, Senator Baker, Senator Ringuette, Senator Milne and Senator Joyal from the Liberal side for their due diligence on this bill. These honourable senators are part of history in the work that they undertook on the proposed federal accountability act.

I would like to extend my sincere thanks particularly to the team of senators on our side, who worked endless hours on this bill. As Leader of the Government in the Senate I was amazed, but not surprised, by the dedication of our small yet highly effective team.

I wish to thank Senator Oliver who, as sponsor of this bill, acted in good faith throughout the whole process while also acting as chair of the committee.

Senator Stratton, who did yeoman's service, was there for us during the entire committee process and he is owed a debt of gratitude and a heartfelt thank you for his hard work and diligence.

Senator Andreychuk, as always, was an eloquent defender of the bill and was our stalwart during the clause-by-clause process and for that I am most thankful. There are few people in the Senate that have the knowledge of Senator Andreychuk, especially on the legal clauses in the bill.

Senator Nolin provided his instinct, advice and well-based arguments to ensure that the government's amendments and the opposition's amendments were rooted in sound policy and I thank him as I do my other colleagues.

Honourable senators, the Senate has done its job and I would argue that it has done a good job. It has reviewed this bill in great depth. The Senate made over 100 amendments and sent it back to the other place.

In some cases, the other place agreed with the Senate amendments; and in other cases, it did not. That said, the time has come to accept the will of the elected chamber and return a message to the other place that we concur with this bill in its form as it is before us today.

Honourable senators, the days of some parliamentarians and other public officials who believe that they are entitled to their entitlements is now thankfully almost history. A new and

refreshing culture will come in its place. Accountability is taking root and I am sure that we all applaud the dawning of this new era.

I stand before you today proudly to say that the proposed federal accountability act, the first major piece of legislation to come from Prime Minister Stephen Harper's Conservative government is on the verge of becoming the law of the land, and I seek your support with the greatest respect.

When Royal Assent is finally bestowed, honourable senators, it will mark the end of a dark and unfortunate time in Parliament's history, one strewn with cash-filled envelopes and countless embarrassing stories of partisan cronyism and spending excesses. Sadly, though, there have been some who have tried to steer us away from our determined focus of transparency, openness and accountability in government.

• (1440)

I should like to point out that there are those in public office who benefit from the status quo. They are not representative of the people of Canada — the ones who vote, the ones who pay their taxes and the ones who demand accountability. Canadians voted for change last January, when they voted for a government that would clean up Ottawa and do it quickly so as to restore the faith of Canadians in their government. Frankly, the reason we are so dogged in our focus to bring in this new age of accountability is to ensure that the wishes of Canadians prevail and not the chequebook in partisan politics or lobbyists or the long-time political backroom boys, in most cases, although there was the odd girl sometimes.

The Senate saw this bill for the first time last June, when the other place passed it on division. We appeared to be off to a good start here in the Senate as we began our due diligence, with committee hearings beginning during the first week of July. The committee listened to almost 160 witnesses during more than 105 hours. The Standing Senate Committee on Legal and Constitutional Affairs did its work.

In the view of many, this seemed like a long time to keep Canadians waiting on our promise of cleaning up Ottawa, but we saw the light at the end of the tunnel. When we finally came to clause-by-clause consideration, some weeks after an original agreement to pass the bill in late September, I thought we were just about done. Unfortunately, some Liberal senators broke with our traditions in a way that I had never quite seen before. In the process, they rolled back the timetable and kept Canadians waiting a couple of more months.

Our first Prime Minister, a Conservative, Sir John A. Macdonald, articulated the direction that he envisaged for the upper chamber. We are reminded of his wise words at report stage and at third reading of the bill. His belief was that this chamber was to — and I quote — “never set itself in opposition against the deliberate and understood wishes of the people.” The people, of course, are manifestly represented by the elected members of Parliament in the other place. Rather, though, than heed his advice, some senators masked their sober second thought by gutting this bill of some of its strongest points and inserting amendments that did nothing but serve the political objectives of

the Liberal Party of Canada. While adding insult to injury, they tossed in a heap of highly partisan political barbs in the form of observations, which they attached to the bill.

On November 9, as we sat in this chamber, we had the difficult task of handing the tattered bill back to the other place. My hope was that members of Parliament would deal with the bill quickly. After all, Canadians had long been waiting for this bill to pass. The federal accountability bill presented a challenge to our elected representatives, who accepted the bill back knowing that, whatever form it took, it was still an improvement over the status quo. They knew, as I know, that we owe it to Canadians to pass this into law as soon as possible.

Honourable senators, I am pleased to say that my hopes in that regard were well founded. The elected members of Parliament, from all sides in the other place, were able to set aside their differences and work speedily on the floor of their chamber toward finding common ground and quickly returning a message to the Senate. I emphasize — on the floor of their chamber, not in committee. They rebuilt the bill and, following two days of debate in the chamber, passed it on division and handed it back to the Senate. This revised bill reflects the spirit of compromise and, I believe, a desire to fan the flames of accountability and bring open, honest government to life. While the government and the other place accepted many of the amendments proposed by this chamber, many were rejected. The government has proposed further changes to three amendments from this chamber with which they agreed in principle. I should like to discuss these a little further.

First, amendment 29. The government revised this further to clarify the amendment that was moved by Senator Andreychuk at third reading. Honourable senators will recall that this amendment was to ensure that a former cabinet minister, who was no longer a cabinet minister but was still a parliamentarian, would not be prohibited from working with the department of which he or she was once head on behalf of his or her constituents.

Second, amendment 98. With the additional changes proposed by the government, this amendment now specifies that the political financing components of the federal accountability bill will come into effect on January 1, 2007. This, of course, means that the upcoming Liberal leadership convention will be exempt from the bill, which I know was of great concern to senators opposite. It is no longer a problem.

Third, amendment 153. Those who were at the Legal and Constitutional Affairs Committee might recall that this was debated at some length. Further revision proposed by the government reverts to its original state and provides Treasury Board with the authority to appoint external members to departmental audit committees. This bridges the statutory requirement for deputies or chief executives of departments to establish an audit committee that would be subject to the directives issued by Treasury Board under the Treasury Board's policy function with respect to internal audit.

Mr. Joe Wild, Senior Counsel with Treasury Board, who was very helpful in clarifying the impact of the amendments at committee, explained this original amendment, by stating that — and I quote:

That policy requires departments to move gradually, through a stepped in system over time, to have audit committees on which the majority of the members are external to the government, not public servants.

In order to have people who are not public servants sit on those audit committees there needs to be a mechanism to appoint them to the audit committee, to provide for their remuneration, and so on.

The policy currently drafted contemplates that the deputy of the department along with the Comptroller General would jointly recommend to the Treasury Board the individual who should sit on that external audit committee. That appointment would, again in accordance with the policy, have to meet certain qualifications that are set by Treasury Board policy, so the person has to meet a certain minimum qualification. The person is investigated through that process, and the Comptroller General is there to ensure that he or she meets those qualifications before being appointed to the audit committee of the department. This amendment merely provides the legal authority necessary for Treasury Board to make that appointment.

Aside from these amendments, several other amendments were refused. Honourable senators, I should like to highlight a few of these today.

Amendments 68 and 69, which doubled the annual limits for political contributions from \$1,000 to \$2,000, were not acceptable. The reason the limits were lowered in the first place was to decrease the reliance of political parties on big money. Raising the limit puts politicians back into the pockets of big money. This situation is unacceptable to hardworking Canadians and unacceptable to this Conservative government, given that 99 per cent of donations to political parties come from individuals who give under \$200 each. To raise the limit would be in direct contravention to a firmly held government policy and promise made to the people of Canada.

Another rejected amendment was number 71, which undermines the ability of the Commissioner of Canada Elections to investigate offences under the Canada Elections Act. The amendment proposed by the Senate limited the time period for investigating offences to seven years, down from 10 years. In addition, it meant that the Chief Electoral Officer would have to act within two years of being made aware of the facts that lead to an offence instead of five years. This would give the CEO only two years to complete the several hundred investigations that emerge following an election. That is just not enough time. I believe that he or she should have all the time that we can reasonably offer to do the job properly and to ensure that all offences are fully investigated.

• (1450)

Amendment 83 seriously weakens the five-year prohibition on lobbying by designated public office-holders by allowing them to work for organizations that lobby, provided that the former public office-holders do not spend significant amounts of their own time lobbying. If that amendment sounds a bit off, honourable senators, it is. This amendment really is a backdoor or a loophole into lobbying and a roundabout way of ensuring

that certain former politicians can receive the entitlements, in this case, jobs, to which they think they are entitled. I personally do not buy this. The Conservative government does not buy it. Canadians will not buy it either.

Amendment 85, on the other hand, extended the five-year ban on lobbying to individuals who work on contract with the government or work for organizations on government contracts. This amendment threw such a broad net over contracted public services that it threatened to snag literally hundreds of thousands of people, bogging down the commissioner of lobbying for years to come and preventing him or her from doing their real job — to monitor those who actually lobby government. It also created an incentive for organizations and corporations to use consultant lobbyists, which, as the previous government knows, can surely get them into a lot of trouble.

Amendment 96 is one that is particularly frustrating. It would protect unfairly the priority status of exempt staff who left their positions after the coming into force of the relevant provisions. This amendment undermines the very premise of the gold standard, merit-based system of hiring in the public service, as these employees could simply go around the requirement to compete for their jobs in the public service. Frankly, that is not good enough. The days of free rides into the public service are over. These people will need to enter the queue and obtain their job the old fashioned way, the right way, by earning it.

Amendments 113 to 118 seriously weaken the capacity of the Auditor General to do her work by allowing the release of papers and other information during an investigation. The Auditor General herself told us that she was concerned that these amendments would put a chill on her work. We must allow her to do her job properly and release the information in its proper time.

Amendment 130 increases the risk of disclosure of sensitive national security information by subjecting the Communications Security Establishment and the Canadian Security Intelligence Service to the Public Servants Disclosure Protection Act without providing additional specific disclosure and protection measures. This provision is simply inappropriate and potentially dangerous.

Amendment 136 increases the maximum amount for legal advice from \$1,500 to \$25,000 to an unlimited amount at the discretion of the public sector integrity commissioner. Honourable senators, this amendment is a complete misunderstanding of this section. The \$1,500 for legal services is intended to allow whistle-blowers to determine whether to pursue a case — not to provide full legal service through a complaint or reprisal process. When honourable senators understand what the money is for, \$1,500 is sufficient. Let us remember that the job of the integrity commissioner is to carry a whistle-blower's case through a legal process. If successful, the tribunal can then award full compensation to the whistle-blower for legal fees, along with other compensation.

These amendments are simply some of the amendments that the other place has requested that we not "insist upon." Upon close examination, it becomes clear that these amendments undermine the original intent of the legislation, which is, of course, to establish a forthright, new culture of accountability, transparency and openness in this country.

Honourable senators, let us debate this bill right here on the floor of the Senate, as they did in the other place, so that we may have a frank exchange and debate the reasons as to why we should not insist upon these rejected amendments. The arguments, I can assure honourable senators, are sound. The policy intent behind them is clear.

Canadians are waiting for this bill to become law. Proposing more amendments or reintroducing rejected amendments will simply tie the act in a knot again and waste more time and money. We owe it to Canadians to pass this bill. Amendments that reverse or undermine stated policy are a disservice to Canadians who have chosen a government that wants to clear up how Ottawa works. That is what they told us when they voted for us.

Honourable senators are also well aware of our own traditions to not set ourselves in opposition to the deliberate and well-understood wishes of the people as articulated in the elected other place. Reversing the clear policy intent of our colleagues down the hall is simply not acceptable. It is not how we should do things here.

With these thoughts in mind, I call upon this chamber to not insist upon the rejected amendments, to use the language of the motion. I call upon this chamber to let them go because the people of Canada do not want them. I call upon this chamber not to impose new stall tactics by once again referring this message and bill to committee because, as honourable senators know, we have had our turn on this bill and the elected chamber has spoken. To send it to committee when there is no new information will be seen by the Canadian public as another stall tactic, and they will wonder why.

Honourable senators, I also believe, speaking with a political hat on, that if I were a member of the Liberal opposition, I would not want to burden my new leader with the accountability act. I do not believe the new leader of the Liberal Party wants to be reminded once again about the Gomery commission, sponsorship funds, cash in envelopes and unrecovered millions of dollars. I do not believe that honourable senators want to do that to their new leader. I cannot imagine why they would want to do so.

Furthermore, I urge honourable senators to accept the wishes of Canadians and to pass this bill in its form as passed by the other place. Canadians have waited long enough for the federal accountability act. The time is now to pass this legislation. The time is now to debate it on the floor of this chamber. The time for action has come. I urge honourable senators to respect the wishes of the elected members of Parliament and pass the accountability act.

Some Hon. Senators: Hear, hear!

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, let me begin by complimenting the Leader of the Government in the Senate on her speech. She has given us a good background on the genesis of the bill. We will have differences, and I will certainly highlight them. These differences relate to whether or not the bill lives up to its billing and her advice towards the end of her speech.

[Translation]

As I begin my remarks on the message we received from the other place on Bill C-2, I must, sadly, echo the sentiments expressed by the President of the Treasury Board in his response to the Senate's message earlier this week.

[English]

On Monday, Minister Baird began his remarks by saying he was "very disappointed by the attempts of certain senators to dilute this piece of landmark legislation." Today, I must follow him and express my own disappointment that certain members of the other place seem to be more interested in the facade of transparency and accountability than in delivering to Canadians a truly more open and responsible government.

When I spoke to Bill C-2 on November 8, I concluded my remarks that day with the hope that the government would give the Senate's message serious and thoughtful consideration because the amendments contained therein were grounded in the serious and thoughtful evidence of more than 150 witnesses who appeared before our Standing Senate Committee on Legal and Constitutional Affairs, which Senator LeBreton acknowledged.

[Translation]

Unfortunately, that did not happen. In fact, the reasons given in the message before us for rejecting our amendments confirm that the government took neither our report nor our recommendations seriously.

• (1500)

[English]

This is not to say that all the Senate amendments recommendations were rejected by the government. We know from Senator LeBreton's remarks that the message received yesterday listed 55 amendments that were accepted. We take some satisfaction that the government in the other place accepted amendments put forth by their own supporters in this chamber and that it made compromise proposals on three other amendments that we proposed.

Furthermore, all the opposition parties in the other place joined in adopting our amendment to specifically recognize convention fees as political contributions under the Canada Elections Act, something the Conservative Party of Canada and current government still refuses to accept, notwithstanding the clear evidence heard by our committee from Elections Canada on this matter.

The fact that the government and the other place accepted 55 Senate amendments, to a bill that we had been told by the President of the Treasury Board had already been examined under a microscope before being sent to us, is an acknowledgment of the legitimate and serious role our chamber performs in the legislative process. That acknowledgment was also made in the other place by Bloc Québécois member Ms. Carole Lavallée who, if I can summarize as allowed by rule 46, said:

[Translation]

Did not the Senate do the work that the legislative committee responsible for Bill C-2 should have done, that is, take the time to thoroughly analyze each of the clauses, hear the witnesses, give opinions and make changes and amendments?

So said Ms. Lavallée, who also expressed the opinion that the Senate had done good work to bring balance to this bill.

[English]

Unfortunately, honourable senators, that balance was by and large rejected by the governing party.

When I read the debates that took place in the other place and examined in the message that we have before us the reasons given for rejecting the bulk of our amendments, I can only conclude that the government had long ago prejudged our work. In their view, almost everything we proposed, by definition, weakened transparency and accountability, and everything it brought forth strengthened it, regardless of the facts.

By way of example, in my remarks earlier this month, I described how Bill C-2 would allow a public office-holder, including a minister of the Crown, to accept gifts worth thousands of dollars without needing to disclose anything to anyone, not even if that gift might reasonably be seen to have been given to influence the work of that public office-holder.

The only limitation, honourable senators, is that such a gift would need to have been given by a relative or a friend. Those are the words used in Bill C-2 — “relative or friend.” Therefore, under the proposed new accountability act, a cabinet minister or other public official is entitled to accept secret gifts from his or her friends, without limit. Most, though admittedly not all members of this chamber, found it difficult to reconcile this measure with an accountable and transparent government. Consequently, we made a number of amendments to these provisions of Bill C-2.

First, any gift of more than \$200 in value that originated from outside the individual’s family would have to be disclosed to the Conflict of Interest and Ethics Commissioner, regardless of the source. This would ensure transparency. Furthermore, we amended Bill C-2 to place tighter restrictions on the sources of generous gifts that public office-holders would be allowed to accept. We found it difficult to believe that the self-described “New Government of Canada” really meant to place into the law the proposition that, so long as donations of money and goods were made by so-called friends, there was no restriction on what a public office-holder could accept and no obligation to tell anyone what this newly minted and generous friend may have given them.

The fact of the matter is that in our political world there are a great many friends. I believe that Justice Gomery described very well the network of friendships that exist at the bureaucratic level and which lay at the heart of the problems with the sponsorship program. We amended Bill C-2 to limit gifts a public office-holder could receive to those received from relatives and close personal friends instead of just friends. Admittedly, “close personal friends” is still a subjective description, but it does describe a smaller group of people that are normally found in the lives of

public office-holders. I am confident that current public office-holders would have made far fewer close personal friends than casual friends in their former lives as lobbyists or entrepreneurs.

[Translation]

Yet, how did the other House respond to the changes we proposed? Our amendments were rejected and the President of the Treasury Board said absolutely nothing about the matter in his speech, although that is no great surprise. Additionally, the message that is now before us provides a very interesting explanation as to why the government rejected our changes aimed at limiting gifts received by ministers and other public office holders.

[English]

The message from the other place says that our amendments “are an inappropriate intrusion into the private lives of public office-holders and their families.” I agree that they are an intrusion, but I do not agree that they are an inappropriate intrusions when, without them, public office-holders would be able to accept gifts of whatever value from so-called friends without any disclosure to anyone. I regret that Minister Baird did not enlighten Canadians in his speech on Monday about why our amendments to restrict the ability of his cabinet colleagues to accept generous gifts from friends were inappropriate and why, in his own words, they “drastically diluted the objectives of Bill C-2.”

Honourable senators, our attempts to bring more transparency to the activities of those in whom the public trust is placed are described by the government as drastically diluting the objectives of this bill, skeptics may well ask the following question: What, then, are the real objectives of the accountability bill?

Honourable senators, this is but a single example of the superficial consideration given to our work by the government supporters in the other place. I believe one of the reasons this has occurred is that the other chamber has but limited procedures and precedents to deal with messages received from the Senate containing amendments to proposed legislation originating in the other place. As we know, only a very limited debate took place on Bill C-2 in the other place because of their rules, which are the same as ours, providing that on a bill there can only be an amendment and a subamendment before the chamber at any one time. That is a very limiting factor when you have a bill as large and as complex as Bill C-2.

[Translation]

When the other House received our message concerning Bill C-2 two weeks ago, the government responded in the form of a motion that was debated and amended in that House. No committee from that place had the opportunity to carefully study our amendments or to properly consider the logical reasoning behind them, although our reasoning was explained in detail in our official files. Fortunately, the precedents and the procedure of our chamber oblige us to take a more reflective approach.

[English]

What we now have before us is the message from the House of Commons describing how it has judged our amendments. We also have a motion, introduced by the Leader of the Government in

the Senate, asking us to agree with the actions taken in the other place and to inform them accordingly. This is not the first time that the other place has taken issue with the treatment our chamber has given to one of its legislative initiatives. Consequently, this is not the first time the Senate has had such a message and motion before it.

Research shows that, in the recent and not-so-recent past, the normal procedure is to refer both a message from the other place and the government leader's motion to committee for consideration and report. This was what was done in 1969 with Bill C-155, the Pesticide Residue Compensation Act, in 1978 with Bill C-22, the Patent Act, in 1980 with Bill C-21, the unemployment insurance act — which has been repealed — and, most recently, in 2003 with Bill C-10B, the proposed cruelty to animals legislation.

• (1510)

The rationale for this approach is obvious. Earlier this year, we charged the Standing Senate Committee on Legal and Constitutional Affairs with the task of examining the accountability bill. It did so with dedication and with a thoroughness that reflect well on the Senate. I join with Senator LeBreton in complimenting the chair and all members of the committee, which I had done earlier when I spoke and I do so happily again. They did a remarkable job.

In his speech on Monday, Minister Baird extolled the efforts of the committee in the other place on this legislation. He described how they laboured "to make sure they got it right." After they apparently "got it right," government supporters in this chamber, as we know, moved 40 additional amendments. In total, our committee found it necessary to make approximately 250 amendments to the hastily drafted bill, many of which unfortunately did not receive the attention of the House. To some considerable degree, this was because of the strict adherence to procedures that prevented — within the time frames they had to consider the bill — a proper consideration of all of the amendments.

We now have the government's response to those and other amendments made by the Senate. It stands to reason that we would now ask our Standing Senate Committee on Legal and Constitutional Affairs for its views of the government's response to its work before we take a final decision in this chamber on the Leader of the Government's motion. This approach would not affect the time frames within which we will deal with this bill one way or the other. Our colleagues on that committee have lived and breathed the accountability bill for some months now, and are the best informed among us of its intricacies and of its full implications. We would be reckless if we chose to proceed at this stage without seeking their advice. As I have described, this approach also respects our rules and long Senate practice.

MOTION TO REFER TO COMMITTEE

Hon. Daniel Hays (Deputy Leader of the Opposition): Therefore, honourable senators, pursuant to rules 48(1) and 59(2), I move, seconded by the Honourable Senator Day, that:

The motion, together with the message from the House of Commons on the same subject dated November 21, 2006, be referred to the Standing Senate Committee on Legal and Constitutional Affairs for consideration and report.

POINT OF ORDER

Hon. Anne C. Cools: Is this a debatable motion?

The Hon. the Speaker: Yes.

Senator Cools: I want to raise an issue here. Senator Hays has just moved an amendment to the main motion, which was Senator LeBreton's motion. Senator LeBreton's motion was placed before us a little while ago.

The order that we are debating, as printed in our Order Paper, is a consideration of the message from the House of Commons.

Honourable senators, in reviewing last night's *Debates of the Senate* and the situation here today, I have discovered that the message from the Commons is not before us. Therefore, we are in a position where we cannot consider something that has not been placed before us.

I looked to the record of last night's debates and noticed that when His Honour began to read the message, somehow or other he was stopped or he stopped himself. I think that Senator Hays or Senator Comeau proposed that His Honour dispense with reading the message.

Honourable senators, it is not possible for this house to dispense with the Speaker's putting the order before us, which it is then asking the house to consider. A long statement can be dispensed if it has already been read into the record, and has been placed before us. That is what dispensed means. It means not reading it the second, third and fourth time. It does not mean to dispense with reading it for the first time.

Honourable senators, it is very important that the procedure by which that message, or any message from the House of Commons, becomes a proceeding in this place be followed, and that is when His Honour, our Speaker, rises and reads it to us. Somehow or the other, the message is not properly before us for our consideration. We are debating a question that is not before us, a situation which must be remedied before we continue.

Some senators will say that we do not have to correct this. The fact of the matter is, for that Commons message to become a part of a proceeding in this place, a Senate proceeding, it must be read by the Speaker. This is not like a bill that is printed and it is assumed that every senator sits quietly and reads the bill and therefore gives it first reading. As a matter of fact, centuries ago the bills used to be read aloud in their entirety.

This is a different situation. This message is the result of a proceeding and a vote in the House of Commons, which has come here to the Senate. The only way these messages are relayed to us is through the mouth of His Honour. His words — because this is an oral system — and his utterances move the message into a proceeding in this place.

Honourable senators, if I had some time to do some homework on this, I might have been able to do more. The fact of the matter is that we cannot vote on this message because the message is not

before us for our consideration. It is pointless for anyone to argue that we dispensed with the Speaker reading it last night because, in this instance, to dispense with reading it is to dispense with putting it before us for consideration.

Those who would argue that the Senate dispensed with it would be supporting my point. If we senators dispensed with reading it, what we dispensed with is not the mere fact of repeating the words, but we dispensed with the parliamentary act of putting the message before us for consideration and for debate.

I submit that the message we are talking about right now is not properly before us for debate and for consideration, and that before we move on, we should look into that matter. I would be happy if other senators would like to join the debate.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I wish to make a brief intervention on the point of order.

I listened to Senator Cools and I remember the proceedings of last night. Of course, we have a motion before us that was adopted by the chamber and that puts this matter forward for debate today, which I think remedies any deficiency that might have been the subject of complaint.

As to the deficiency, I cannot agree that dispensing with the reading of the message dispenses with the message. I think it is within the power of senators to give leave — particularly in a case such as this where we have a complex document of some 30 pages — to rely on a written document that is reflected in the *Journals of the Senate*, which contains the details of the document. As well, the document, or at least the message, has been distributed to senators.

My position, Your Honour, is that the matter is properly before us and that there is no point of order here.

Senator Cools: Honourable senators, with all due respect —

The Hon. the Speaker: All honourable senators will have an opportunity to express their view on the point of order. I will hear from other honourable senators and then hear from Senator Cools.

Hon. Joan Fraser (Deputy Leader of the Opposition): To confirm what Senator Hays just stated, I think Senator Cools, as is usually the case, has raised a most interesting question that requires careful thought. However, we all know that this chamber is the master of its own destiny. Last night — and the *Debates of the Senate* and the *Journals of the Senate* confirmed this — this house adopted an order that gave His Honour leave to dispense from reading the message; and then adopted a motion to place the message on the Orders of the Day for consideration today.

• (1520)

In the *Debates of the Senate*, that passage is found on page 1279. In the *Journals of the Senate* from yesterday, at page 777 we find the notation:

[Senator Cools]

The Honourable Senator LeBreton, P.C. moved, seconded by the Honourable Senator Comeau, that the Message be placed on the Orders of the Day for consideration at the next sitting.

When we turn to the *Order Paper and Notice Paper* that is distributed to us all, there it is: Government Business, Bills, No. 1, on page 3.

I know Senator Cools does not agree with me. The point of this procedure the house agreed upon last night was precisely that the nature of this message, that consists in large measure of a string of numbers, deletions, additions and whatnot, is almost impossible to understand when the Speaker reads it. The house, therefore, asked the Speaker to dispense with reading it until copies could be provided to everyone. Those copies were provided by the opening of the proceedings today.

I know this is not the way we proceed in many other matters, but this bill is unique to most other matters that have appeared before us. It was the clear sense of this chamber last night, without a dissenting voice or argument raised, that this was the best and most appropriate way to proceed.

I always take Senator Cools' arguments seriously, but in this case I think the record shows clearly that that is not what the Senate decided. The Senate, in my view, had the right to make the decisions it made.

Hon. Gerald J. Comeau (Deputy Leader of the Government): This is a message from the other place; they did not send a bill or a motion. What they sent was a message. There is no such thing as two days' hence or one day hence. The message was received. Even if we were to say it was not read last night, it was still received. There is no such thing as having to wait a certain number of days to receive a message. It has been, in fact, received.

Therefore, I suggest to His Honour that he finds the message from the other place is properly before us, as it is meant to be.

Senator Cools: Honourable senators, I do not question what you did last night. I do not question that, nor do I question the intention of the action. All I am saying is that what honourable senators did last night did not have the effect of placing the message before the house for its consideration. That is the first point.

Honourable senators, maybe we should review what a message is. A message is the means by which the two houses speak to each other, just as an address is the means by which either house speaks to the sovereign.

Unless the message is read by the Speaker here, the two houses have not spoken to each other because it has not entered the proceedings of this place. Neither printing it in the Journals nor circulating copies can enter it into this place as a part of a proceeding. The only way, in this place, that such matters can become part of a proceeding is by the spoken word and so moved by a human person, a senator. This is what Parliament is. It is like a conveyer belt moving things along and matters have to get onto that conveyer belt. They do so orally by word of mouth.

In other words, if Senator Fraser were to rise now to move a motion, she could not dispense with reading that motion into the record because it is that act of saying those words that moves it into a proceeding and puts it before us.

It is the same with a message. No amount of printed copies around this place would make it a Senate proceeding until the Speaker utters it. That utterance becomes a part of the Senate proceedings. The matter is not that difficult to understand. I can see why some senators may believe they have acted properly.

As I said before, I do not question any motivation. All I am saying is that the only way that questions become part of proceeding in this place, motions or anything else, is by uttering them orally.

If this is how honourable senators want to operate, so be it. It does not alter the fact that, though Senator LeBreton's motion talked about the message, that message is still not before us because it was not entered into a proceeding in this place, which can only be done orally, by the Speaker.

Somebody has made a mistake. I have no doubt that it was inadvertent. It would be better to get it on the record and correct the mistake than to say there was no mistake because it sets a dangerous precedent for the next time that such a message is sent and not moved into the system.

This is a very strange and subtle point that eludes many people. The only way something becomes a part of a proceeding is to speak it. Things move along by spoken words.

If what the Honourable Senator Fraser said was in fact the case, her motion need not have been spoken. If Senator Fraser can agree that a motion cannot be put before us for consideration unless it is spoken, certainly she can see the same for a message — because the only voice here that can deliver a message from the House is the Speaker. If he has not delivered it orally, it has not been given. No amount of copies circulating in this place can compensate for that fact.

The Hon. the Speaker: Honourable senators, I want to thank each senator for participating in this point of order.

It is the ruling of the chair that the message has been received and is properly before the Senate. Reasons are to be provided in rulings. My reasons are several *inter alia*. I would begin with a principle, and I apologize to the reporters, but it is a very ancient principle:

Nihil est in intellectu quod non prius in sensu, which means nothing is in the intellect which is first not in the senses.

Senator Cools has drawn our attention to the importance that, as senators, we must know what is before us. How do we get things before us? One way is through the oral tradition. We table many things in this place, so the written tradition is equally an important process used in Parliament.

Furthermore, honourable senators will be aware that we often do second reading of a bill and we never ever read the bill from cover to cover, which, if an honourable senator rose and insisted

upon, would have to be done. The situation is the same for third reading.

Those are but some of the reasons why the chair finds that the message is properly before us. The Speaker did rise and did commence to read it. The house expressed its unanimous view that the 30 pages ought not to be physically read but that the message and its contents would be before the house in its fullness. Thus, part of it has been presented in the oral tradition and the rest was presented in written format. These are my reasons and that is my ruling.

Continuing debate with Senator Day.

• (1530)

Hon. Joseph A. Day: Honourable senators, I rise to support the motion of Senator Hays. The seconder of that motion asked that the material received in this place from the House of Commons and the motion of the Honourable Leader of the Government in the Senate be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

Honourable senators are well aware that this is an extremely complicated matter, as discussed on many occasions. I need not go over that ground again. To deal with this in Committee of the Whole would be to deal with this superficially because it would not be possible to handle all of the documentation necessary. I do not have room on my desk for all the documents needed to take honourable senators through what has happened over the last few days. I will try to do so, but the document given to honourable senators for their assistance is the Senate message as printed in the House of Commons Journals. It is a copy of the message sent by the Senate to the House of Commons.

The numbers that appear in this copy are not the same numbers that appear in the document that has been sent back from the other place. Therefore, a specific amendment will not be found by its number according to this document. I discovered that as I worked on this all of last evening, although I thank those who tried to be helpful. I would suggest that honourable senators find the amendment numbers that correspond to the amendments in the address of the Honourable Leader of the Government in the Senate in a document presented by the government to the members of the House of Commons on November 21. I have another document before me that I found to be helpful — that is, a message sent from the Senate to the House of Commons, which is similar to the document referred to. On the Senate website, I was able to find a copy of the document of the message received, which has been the matter of discussion. I have been using that document and it contains the numbers that I will use in this presentation in support of Senator Hays' motion.

Honourable senators, looking back, Bill C-2 was not a good piece of proposed legislation. In fact, it is very close to an embarrassment. If this place were to pass Bill C-2 as initially presented to the Senate, we would be doing no favours for this institution, for the government and for the people of Canada.

That has been said by many witnesses who came before the Standing Senate Committee on Legal and Constitutional Affairs and has been repeated in various speeches. In committee and at third reading in the chamber, an attempt was made to make a bad piece of proposed legislation at least minimally acceptable by

taking out the offensive aspects. This side did not try to gut anything but rather tried to improve that document. It has been said by many people in many articles that this side improved the bill.

The first one that I will mention is from *Democracy Watch*, dated November 15:

Liberal-controlled Senate strengthens Bill C-2 (the so-called "Federal Accountability Act") in 22 key ways that the House of Commons should approve, and weakens it in 4 key ways ...

He describes those later in the article.

Senator LeBreton: Read the end of the article.

Senator Day: I shall leave it up to the honourable senator to read the end of the article. I shall read the introduction only:

Today, Democracy Watch called on MPs to accept all but three of the key amendments to Bill C-2 (the so-called "Federal Accountability Act" (FAA)) proposed mainly, and often supported only, by Liberal senators in the Senate (in fact, a small group of Conservative senators attempted to gut the bill).

"The Senate, mainly with the support only of Liberal senators, has proposed many changes that strengthen the draft Federal Accountability Act in areas of ethics enforcement..."

That is the public recognition of the work that this Senate has done over the past several months in reviewing a bad piece of proposed legislation and bringing it into at least acceptable form.

Honourable senators will remember Mr. Justice Gomery saying, only two weeks ago, that there is nothing in Bill C-2 that is reflective of the millions of dollars that he and his commission spent in reviewing the matter — nothing reflective. He is wondering when the government will act on his recommendations.

The Honourable Leader of the Government in the Senate mentioned the Conservative campaign when she spoke to the bill. Witnesses appeared before the committee with the list of Conservative campaign promises in hand and went through them, saying "that is not there; that is not there; promise made; promise not kept; et cetera." They went through the whole list. To say that Bill C-2 is reflective of election campaign promises or of the Gomery inquiry is incorrect in detail.

Honourable senators, the bill was prepared in six weeks and passed by the other place with a minimum of review. The Senate sent it back one week ago Thursday, after many, many hours of work by both sides of the house. Senator Stratton was there throughout, so he is deserving of accolades, as is Senator Oliver. The other place complained that this place did not work over the summer months on the bill. Why did they not work last week on this bill? They all went home. The other place received the bill on Monday of this week and, despite all the amendments proposed by the Senate, voted on it Tuesday afternoon.

Honourable senators, the other place took only two days to review 150 amendments. To do that carefully is absolutely

impossible. What has happened is exactly what is being suggested in this place: Look over the top of the bill and do not get into the detail because the detail will show you the problems. So many people have pointed that out to us.

Allow me to take honourable senators briefly through four matters that the government wanted to look at and amend. The government said it accepted what the Senate had sent over, but that it wanted to look at and amend four of those. The government accepted four in principle but felt that they should be amended.

• (1540)

We have only three now, but there were four. The fourth one was amendment 67. You will now see that they agree to that in the category at the top. I know honourable senators have that in front of them. There are three categories: accepted, rejected, and then four they would accept with amendments. One of those was amendment 67.

This amendment said that all convention fees are a political expense and should be declared as such. We know that when Mr. Kingsley, the Chief Electoral Officer, appeared, he said the same thing. Political parties pay money for publicity, and it is an important process for the party. It is a political expense, and it should be declared as such.

We know that the Progressive Conservative Party always declared convention expenses as political expenses. We know that the Liberal Party, the NDP and the Bloc all did. The only group that did not, as we heard during our hearings at committee, was the Conservative Party of Canada.

What did the Conservatives in the other place do? They took our amendment and tried to say that only the profit is a political expense, if we make more than the cost. All other parties over there said no. Who determines profit? That provision creates a black hole, and we are trying to move away from undeclared political expenses. The Bloc, the NDP and the Liberals combined to defeat the government's attempt to hide political expenses. Campaign expenses are now in the bill as a full political expense. That is one of the matters that we have worked on that is now accepted, thanks to the help of three of the four parties in the other place.

Let me look at the other three amendments briefly with honourable senators. One is amendment 29. I told honourable senators to be careful about the numbers, but it is at page 32 of the act. This amendment was rejected by the majority in committee when it was proposed by the Conservatives. We rejected it because, on advice of counsel, this amendment restricted the rights of members of the House of Commons and the Senate in their parliamentary privilege. It said that they can do what they normally do as senators and as members of the House of Commons, subject to certain sections. That is the part we found offensive — "subject to." We are not subject to sections of this particular act. We are not prepared to give away our parliamentary privilege and the rights as parliamentarians to certain clauses in this act, so we said that provision should not be there.

Through negotiation, the amendment was reintroduced here at third reading. Honourable senators will remember that. Senator Andreychuk introduced that amendment again here. I stood and spoke on it. I said, "You have taken out the offensive portion of that, and we are prepared to accept it now." What happened when it went to the other place? They want to put back the offensive portion, after we agreed unanimously in this house. After discussions with the other side to accept their motion, the government on the other side now rejects what this house unanimously agreed to, rejecting the recommendation of the Conservatives in this place and introducing this amendment.

We need to understand why they are turning their backs on Senator Andreychuk and the Conservatives in this place. We need to go into the issue of parliamentary privilege. We need to bring somebody in to committee to talk about that and ask, "Does that not interfere with parliamentary privilege?" We do not do that in Committee of the Whole but in a committee that can spend the time and bring the right people in to do the job.

The other amendment that I wanted to talk to, honourable senators, is amendment 153. We agreed to that amendment in committee because the change had been made to have the appointment made by Governor-in-Council. Everybody agreed to that. We negotiated. We said, "Look, you have appointments by the Public Service Commission, and there are a whole set of rules for that. You have GIC appointments and ministers making appointments. We do not want Treasury Board involved in making appointments. That is only another group to set up a whole new set of rules." We gave a choice and ended up with the Governor-in-Council. It is a government type of appointment. They said, "Okay." Now what happens? After it was agreed to by both sides in the Senate, it went to the other place and the Conservatives on the other side put in Treasury Board again. They ignored the compromise reached in this place.

Honourable senators, I have been living with this bill for so long that I am just starting what I would like to talk about. I suggest to honourable senators that this important a piece of legislation deals with so many different points of view and goes to the heart of what we are here. What we should amend and how far we should go as an advisory group, and all of what we do goes to the heart of those issues. We need to send this bill back to committee. We need to take our time. Many amendments and statements were made, many of them in support of the government refusing our amendments, and so many of them are misguided. They do not understand our points. I believe that the only way to deal properly with this bill is to call those government people into the committee, sort these issues out and bring it back to you in a report from the committee.

Some Hon. Senators: Hear, hear!

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, if Senator Day agrees, I would like to ask him one or two questions to clarify what he has just said.

The Hon. the Speaker: Honourable senators, may Senator Day have the consent of this chamber to extend the time allocated by five minutes?

Some Hon. Senators: Agreed.

Senator Day: Yes, I am ready to answer your questions.

Senator Nolin: Honourable senators, to ensure that the honourable senators are able to follow the entire process, and particularly the documents, Senator Day told us in his presentation that the documents before us are incorrect. Is that what he was saying? If so, I would like him to point out which documents are at issue and more specifically where is the error in these documents?

Senator Day: Honourable senators, the document on our desks this morning or this afternoon is called the "Senate message as printed in the House of Commons *Journals*". After discussion in the other place, they accepted amendment 67. The numbers here are not the same numbers as in the message received from the House of Commons given that they accepted one amendment.

Senator Nolin: The document before us is the message that we sent to them. They received this message from the Senate. You are telling us that amendment 67, which came from that House and is printed in this document, is not the amendment from the Senate. That has to be clear. If you are right, we will have to adjourn and find the real document that reflects the reality. You say that amendment 67 printed in what is supposed to be the Senate message sent to the House of Commons, that which is contained in this document, is not really the amendment 67 that we adopted?

• (1550)

Senator Day: I did not say that. Amendment 67 was sent from the Senate to the House of Commons. There was an amendment 67. The government did not accept our amendment 67. They read an amendment, but it was defeated at the other place. The amendments sent to and accepted by the House of Commons no longer have the same number when they were sent back to the Senate.

If you look, for example, at amendment 140, it is not necessarily the amendment 140 we had in the Senate when we discussed it at third reading and sent it to the other place. The best thing to do is to have the document that was sent to the Senate with the notice from the Commons.

Senator Nolin: If you look at yesterday's *Debates of the Senate*, on page 770, you have the message received yesterday from the House of Commons. Look on your desk: you have two documents, the Order Paper and the *Journals of the Senate*. You have the message received from the House of Commons. You will find three groups of amendments there. In your speech you made reference to these three groups of amendments. In the first group, the House of Commons agreed with our amendments, including amendment 67. We then have three Senate amendments that were amended, numbers 29, 98 and 153. You talked about four amendments. There is a third group of amendments that the other place disagrees with. You claim these numbers do not correspond to the numbers we had sent.

Honourable senators, we should receive clarification on this matter. I do not think it is up to the Committee on Legal and Constitutional Affairs to address the issue. It will be up to the Speaker of the Senate to inform us of the nature of the documents before us. Is it amendment 67 or the new text Senator Day referred to? I am awaiting clarification from His Honour.

[English]

The Hon. the Speaker: The Honourable Senator Day's time is now over.

Hon. Lorna Milne: I rise on a point of order, honourable senators.

Honourable senators, on Wednesday, November 8, I made an amendment to this bill, at page 1190 of the *Debates of the Senate* of that day, amending section 26 by adding a 26.1. Nowhere can I find a number for this particular amendment or can I find a proposed section 26.1 added to the message that went to the House of Commons.

Senator Stratton: It was defeated.

Senator Milne: No, it was not. It was passed.

The Hon. the Speaker: Perhaps if Senator Milne continues with that difficulty, it could be dealt with in debate rather than as a point of order.

To the point of Senator Nolin, the message that is before us is the message that was presented last night and is in the *Journals of the Senate*, Issue 51. We will continue debate.

Hon. Joan Fraser (Deputy Leader of the Opposition): I am sorry; I was conferring with my colleague, Senator Milne, about her amendment.

Honourable senators, I bow to Senator Day in his knowledge of this bill, but I have to say that I have spent some time today examining the various documents that are before us. It seems to me that they are in agreement. I do find Senator Milne's amendment, for example, No. 26, which would be on page 6 of the document that was on our desks —

Senator Milne: It is not No. 26; it is an amendment to section 26.

Senator Fraser: Yes, clause 26.

Senator Corbin: All the more reason to send it to committee.

Senator Fraser: It is amendment No. 54.

In other words, Your Honour, I think what we have before us is indeed an accurate, although Lord knows confusing, reflection of the procedures of this chamber, of the other place, in connection with our amendments. If I might sneak in an observation, I think this really does confirm the need to send it to committee for people to understand it.

[Translation]

Senator Nolin: I have one last question, which I alluded to with Senator Day.

[English]

The Hon. the Speaker: Senator Day's time and extension is exhausted.

Senator Nolin: Maybe we should extend it.

The Hon. the Speaker: That is up to honourable senators to decide that.

Senator Austin: Give him the time. We have all the time —

The Hon. the Speaker: Senator Day, do you want to ask for more time, to see what happens?

[Translation]

Senator Day: I can answer one more question if honourable senators give Senator Nolin permission.

Some Hon. Senators: Agreed.

Senator Nolin: If we consider just the last group of amendments, that is, the amendments from the House of Commons that are not similar to the ones we sent them, which they amended in the message the Senate received from the House of Commons yesterday, we are talking about amendments 29, 98 and 153. Do you have those in front of you? If you have a copy of the *Journals of the Senate*, look at the second paragraph.

Senator Day: Yes.

Senator Nolin: The House of Commons says that it rejects all amendments except 29, 98 and 153. Earlier, it seemed like you were telling us the House had worked on a fourth amendment and that the list of three was incorrect, that there should be a fourth one. What is the number of the missing amendment?

Senator Day: The fourth amendment was number 67, which was accepted in principle by the government, but they proposed an amendment to the amendment in the House of Commons. They lost the vote yesterday evening on amendment 67, and it can now be found in the first group. In the Commons, amendments 4 and 67 were in this group. This motion in amendment was defeated. Amendment 67 has to do with the document for convention fees.

Senator Nolin: If I understand correctly, and to ensure that everyone follows, amendment 67, which is duplicated in the document entitled, "This is the message from the Senate as printed in the *Journals of the House of Commons*" was accepted by the House of Commons? Is that it?

Senator Day: Yes.

Senator Nolin: What we sent to them was accepted by the House of Commons and was indeed printed in the notice the House of Commons sent to us, which states that they accepted amendment 67, irrespective of who proposed or lost the vote. The results printed in the document, in our message, regarding amendment 67, were accepted by the House of Commons.

Senator Day: That is correct.

Senator Nolin: It is, therefore, not a new amendment.

[English]

Senator Austin: I move the adjournment.

Senator Fraser: Before that, if I may revert briefly to our earlier discussion, Your Honour, I think Senator Milne may be right. I think the error has occurred not in what was sent back to us but in what we sent to the House.

It is true that on November 8 — and it is on page —

The Hon. the Speaker: Senator Fraser, I will have to interrupt. It being 4 p.m., pursuant to the order adopted by the Senate on April 6, 2005, I declare the Senate continued until Thursday, November 23, 2006, at 1:30 p.m, the Senate so decreed.

The Senate adjourned until Thursday, November 23, 2006, at 1:30 p.m.

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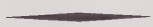
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OFFICIAL REPORT
(HANSARD)

Thursday, November 23, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Thursday, November 23, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

Hon. Anne C. Cools: Honourable senators, pursuant to rule 43(7), I hereby give oral notice at this time that later this day I will raise a question of privilege. To satisfy rule 43(3), earlier today, I gave written notice to the Clerk of the Senate.

This question of privilege is in respect of words stated and actions taken during Senate proceedings yesterday on Bill C-2. That is on the notice but I can happily let people know where I am going.

Honourable senators will recall the debate about notices. Since the ruling at the time, the consensus is that not much is needed in the notices, but I prefer to given more information than less.

OFFICIAL REPORT

CORRECTION

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, it gives me great pleasure to rise and say that yesterday I misled, or I may have misled this chamber and I want to correct the record.

As we were on the verge of adjourning, in the discussion about the message that was sent to the House of Commons and sent back to the Senate on Bill C-2, I said that I thought we might have made an error in the message sent from the Senate after third reading of Bill C-2.

I am pleased to tell you that we made no such error. I want to apologize to honourable senators, but above all, I want to apologize to the table and to the law clerk staff who worked long hours to ensure that every single semicolon in what we sent to the House of Commons was, in fact, appropriately inserted. It was; and let the record show that I was wrong and they were right.

AUTISM SPECTRUM DISORDERS

Hon. Gerry St. Germain: Honourable senators, I rise to speak about a social issue that has caused, and continues to cause, a growing number of Canadians and their families a great deal of hardship. That issue is autism or autism spectrum disorders, ASD.

Perhaps some honourable senators have also met with individuals and families who deal with the challenges of ASD. Every day is a challenge for these people and their families. Every day is exhausting and every day presents yet another demand on their financial situation.

These stresses can become so great that many families find they can no longer carry the burden, and the effect on their marriages is unfortunate. Figures for divorce rates vary between 75 and 80 per cent.

Two days ago, the federal government announced it will continue to provide funding and work with its provincial counterparts. As well, the government intends to sponsor symposiums, fund additional research focusing on effective treatment and intervention and fund additional information-sharing mechanisms.

My concern is that our government's intentions and efforts to date have left those afflicted and their families with insufficient treatment and coping mechanisms. I speak in a non-partisan vein when I say that. Autism is a complex disorder and the needs of individuals and their families vary greatly. I have witnessed autism personally in my own family.

Governments need to reassess their positions as to how we support these needs. Canada needs to develop a national autism strategy, funded to provide the resources, treatment and supports necessary so that all autistic Canadians have the support that they require throughout their lives.

Hon. Senators: Hear, hear!

PUBLIC SAFETY

PROPOSAL TO ABOLISH LONG GUN REGISTRY

Hon. Lorna Milne: Honourable senators, I was disappointed to hear that the Minister of Public Safety remains committed to abolishing the federal long gun registry and to refunding \$120 million to gun owners. He reasons it is inefficient and costs too much to operate, even though he failed to provide any statistics on how much the government would save by killing the program when he appeared before the Standing Committee on Public Safety and National Security in the other place on November 2.

Honourable senators will be interested to know that it now costs Canadians about \$14.6 million a year for the registration of all firearms in Canada, including handguns, long guns and other restricted firearms.

Senator St. Germain: We have heard that story before.

Senator Milne: Under questioning, a deputy commissioner of the RCMP noted that the long gun portion of the activity accounts for about 20 per cent of what is done in the registry right now — 20 per cent of \$14.6 million is \$2.9 million per year.

• (1340)

I am sure that spending \$120 million in waivers and refunds to save \$2.9 million was not what the Public Safety Minister had in mind when he told Mike Duffy, on May 17, "What we're doing is getting rid of this hugely expensive and ineffective long gun registry."

Perhaps it is time for this government to start governing based on facts and not on election rhetoric. The facts are these: Fact, 300 fewer Canadians now are killed annually with guns than in 1995 — 300 fewer; fact, murders with guns have plummeted while other murders have not; fact, police use the system 5,000 times a day — last year, it supported 3,000 affidavits and thousands have had their licence denied or revoked; fact, the more rural an area is, the more likely its inhabitants are to die by the gun; fact, in the Yukon and the Northwest Territories, where almost 70 per cent of homes have guns present, the death rate by firearms is even higher than in the U.S.A.; and fact, Canadians are far less likely to be shot to death now than they ever were before the long run registry was introduced.

When I read the transcript for that committee meeting I thought of people like the family of Marianne Schmid. It was with great sadness that I learned of her death on Monday, November 6. According to her family, the 67-year-old loved her daily hike in the woods near her home west of Tottenham, Ontario. She was a prudent woman and rarely embarked on these walks during hunting season since she was wary of the hunters in her area. Unfortunately, she was unaware that hunting season had begun on the day she was accidentally shot by a deer hunter, even though she was wearing a bright red sweater.

Senator Segal: How would registration help that?

Senator Milne: After reading her story and attempting to understand what her family is going through right now, I thought: What if the hunter in question had abandoned the scene of the accident? Would that person be easier to find if their weapon was registered?

Honourable senators, I leave you with this one final question.

Senator St. Germain: Hunters have arms.

GREY CUP 2006

CONGRATULATIONS TO CITY OF WINNIPEG

Hon. Rod A.A. Zimmer: Honourable senators, on Sunday, November 19, the world stopped for three hours to celebrate an historic annual tradition in our country: The 2006 Grey Cup. As Senator Campbell explained, waxing eloquently yesterday, we had the honour, under great duress, to attend on your behalf.

I must add a point of clarification that Senator Campbell was an honourable representative on behalf of all senators, especially when he displayed his chameleon Campbell skills. Through his metamorphosis, as the evenings progressed into the wee hours, he transformed from senator to Mountie to coroner. Believe me, he knew where the bodies were buried. As the clock went up, the liquids went down.

At CFL Commissioner Tom Wright's brunch on Sunday, Senator Campbell's road-map eyes would put any GPS system in the world to shame.

I must clarify, honourable senators, that we represented you proudly and held up the good name of this honourable chamber.

Senator Segal: I saw you staggering around!

Senator Zimmer: On behalf of all the honourable senators from Manitoba — Senator Carstairs, Senator Chaput, Senator Spivak, Senator Johnson and Senator Stratton — I want to congratulate my home city of Winnipeg for organizing and hosting such an outstanding week. From the parade to the cultural and social entertainment to the game itself, I was proud of the conduct of the fans, officials and organizers.

For the whole week, the tradition of this sporting event not only provided a venue for celebration but it is an annual catalyst for Canadian unity.

Aside from the game, the highlight of the week was when General Rick Hillier addressed CFL Commissioner Tom Wright's brunch on Sunday and proudly inspired us with his remarks about the men and women who serve our country around the world. He received a long and loud applause.

On behalf of all honourable senators, today I take this moment to congratulate the City of Winnipeg, the Province of Manitoba and in particular, Mayor Sam Katz, Premier Gary Doer, from the steering committee, Co-Chairs Gene Dunn and David Asper, and President and CEO Lyle Bauer, and most importantly, the thousands of volunteers. You did us proud.

Finally, to Senator Campbell and the Lions, I tip my hat. Congratulations on winning the Cup. You limped to victory. As folklore goes, and as was said of the mighty Casey at bat, my beloved Alouettes struck out.

• (1345)

ALLIANCE OF THE CANADIAN ARTHRITIS PROGRAM

Hon. Art Eggleton: Honourable senators, over 4 million Canadians suffer from arthritis. Arthritis imposes major costs on many aspects of the lives of Canadians: It diminishes the pleasure of our leisure; it forces many of us to leave our places of employment for disability; and it places great strains on the financial and human resources of our medical system.

Today, members from the Alliance of the Canadian Arthritis Program, ACAP, are in Ottawa working to help raise arthritis awareness and to discuss innovative standards of care for patients. I had the pleasure of participating in a breakfast this morning and seeing the active participation of other senators and MPs in this event. The ACAP team offered screenings for all interested participants.

Screening, honourable senators, is vital because some Canadians do not know that they have arthritis, attributing their aches and pains to growing old. As a result of this point of view, arthritis sufferers do not always get the appropriate and adequate help that they require as early as they need it.

ACAP is committed to the improvement of the lives of those who have arthritis by raising awareness. I would like to commend them on their efforts and encourage them to continue to fight for this worthy cause on behalf of Canadians.

THE LATE JACKIE PARKER

Hon. Francis William Mahovlich: Honourable senators, I rise today to remember one of Canada's greatest football players, Jackie Parker, who passed away on Tuesday, November 7, 2006, at the age of 74, losing his battle with throat cancer.

Born on January 1, 1932, in Knoxville, Tennessee, Jackie Parker started his football career at Jones County Junior College, and then went on to play for Mississippi State University, where he led the all-American college football point standings with 120 points, including 16 touchdowns. He was selected as both the All-American and Academic All-American player.

Jackie Parker joined the Edmonton Eskimos in 1954, four years before the WIFU and the Interprovincial Rugby Football Union officially became the Canadian Football League.

With the Eskimos, Parker contributed to three Grey Cup victories in 1954, 1955 and 1956, and quickly became a fan favourite. His most famous single play was during the 1954 national final when he recovered a fumble by Alouette halfback Chuck Hunsinger. With just minutes left in the game and the Eskimos down by five points, which then was the point value of a touchdown, Parker snatched up the ball and tore down the field for a touchdown. The Edmonton Eskimos went on to win the Grey Cup, defeating the Alouettes by one point.

Jackie Parker was also remembered for his quick speed and smart moves. His skinny lower limbs coined him the nickname "Spaghetti Legs," as they made tackling him like trying to grip freshly cooked pasta al dente.

Parker's honours as an amazing athlete are numerous. He was inducted into the Edmonton Eskimo Wall of Honour, the Canada Sports Hall of Fame and the Canadian Football Hall of Fame. Old Spaghetti Legs will go down in history as one of the best football players Canada has ever seen.

[Translation]

ROUTINE PROCEEDINGS

SOCIAL DEVELOPMENT COUNCIL OF NUNAVUT

2003-04 AND 2004-05 ANNUAL REPORTS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2003-04 and 2004-05 annual reports on the state of Inuit culture and society in Nunavut.

[Senator Eggleton]

• (1350)

[English]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET—STUDY ON EVACUATION OF CANADIAN CITIZENS FROM LEBANON— REPORT OF COMMITTEE PRESENTED

Hon. Hugh Segal, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, November 23, 2006

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on Tuesday October 24, 2006, to examine and report on the evacuation of Canadian citizens from Lebanon in July 2006; and

That the Committee submit its final report no later than March 30, 2007, and that the Committee retain all powers necessary to publicize its findings until April 30, 2007.

Pursuant to section 2(1)(c) of Chapter 3:06 of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

HUGH SEGAL
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 796.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Segal, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

EIGHTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, November 23, 2006

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

EIGHTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2006-2007.

National Finance (Legislation)

Professional and Other Services	\$ 16,500
Transport and Communications	\$ 0
Other Expenditures	\$ 1,000
Total	\$ 17,500

GEORGE J. FUREY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY—REPORT OF COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, November 23, 2006

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, April 26, 2006, to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN, P.C.
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 802.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON RURAL POVERTY—REPORT OF COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, November 23, 2006

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on May 16, 2006, to examine and report on rural poverty in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside Canada for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN, P.C.
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 808.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON FUNDING FOR TREATMENT OF AUTISM—REPORT OF COMMITTEE PRESENTED

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, November 23, 2006

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SEVENTH REPORT

Your Committee, which was authorized by the Senate on Thursday, June 22, 2006 to examine and report on the issue of funding for the treatment of autism, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

ART EGGLETON
Chair

(For text of budget, see today's Journals of the Senate, Appendix D, p. 820.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Eggleton, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1355)

ANTI-TERRORISM ACT

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF SPECIAL COMMITTEE PRESENTED

Hon. David P. Smith, Chair of the Special Senate Committee on the Anti-terrorism Act, presented the following report:

Thursday, November 23, 2006

The Special Senate Committee on the Anti-terrorism Act has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Tuesday, May 2, 2006 to undertake a comprehensive review of the provisions and operation of the *Anti-terrorism Act*, (S.C. 2001, c.41), respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and

Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

DAVID P. SMITH
Chair

(For text of budget, see today's Journals of the Senate, Appendix E, p. 826.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Smith, with leave of the Senate and notwithstanding rule 57 (1)(e), report placed on the Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY—REPORT OF COMMITTEE PRESENTED

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, November 23, 2006

The Standing Senate Committee on National Security and Defence has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and report on the national security policy for Canada, respectfully requests the approval of supplementary funds for fiscal year 2006-07.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix F, p. 832.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, prior to moving to the next item, I wish to draw your attention to the presence in the gallery of His Beatitude Patriarch Gregory III Laham, Patriarch of Antioch and all the East, of Alexandria and Jerusalem; the spiritual leader of the Melkite Greek Catholic Church.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

• (1400)

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Maria Chaput: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I give notice that later today, I will move:

That the Senate Standing Committee on Official Languages be authorized to sit on Monday, November 27, 2006, at 4:00 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[English]

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Colin Kenny: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I give notice that, later this day, I will move:

That the Standing Senate Committee on National Security and Defence have power to sit at 3:30 p.m. on Monday, November 27, 2006 even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Tommy Banks: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5:00 p.m., Tuesday, December 12, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

AGING

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Jane Cordy: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I give notice that, later this day, I shall move:

That the Special Senate Committee on Aging have the power to sit on Monday, November 27, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—PROPOSAL TO ELIMINATE SINGLE-DESK SELLING FUNCTION— REQUIREMENT FOR PRODUCER PLEBISCITE

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I should like to raise again with the Leader of the Government in the Senate some matters involving the Canadian Wheat Board.

An Hon. Senator: Oh, oh, a BlackBerry.

Senator Hays: I plead guilty, honourable senators — and if I am not mistaken, I am the first one in this chamber to do so. The mechanism is now off, and my apologies for the disturbance, in contravention to the rules.

To return to the matter at hand, the question of the future of the Canadian Wheat Board is very much on the minds of Western Canadian farmers who have an interest in it; of course, those farmers who rely on the board for the marketing of their product are the ones who have the highest interest. As such, those farmers are entitled to vote under the provisions of section 41(1) of the Canadian Wheat Board Act on any such question or decision involving removing a grain from the single-desk selling function of the board. As honourable senators are aware, there is a proposal on barley, and the matter of wheat remains outstanding.

The Saskatchewan and Manitoba governments, in frustration, not knowing for certain what procedures will be followed if the government proceeds with the decision that it has virtually announced, that is, to take away the single-desk selling function, are intending to hold — and they announced this on November 10 — plebiscites that would not be official but that would express the views of farmers in their provinces.

My question for the Leader of the Government in the Senate is this: Can she give us some firm indication of the government's intentions, and, in particular, having in mind the steps taken by Saskatchewan and Manitoba, do so in time to avoid their unnecessary expenses, and do so by respecting the provisions of the legislation, namely, that a producer plebiscite must be held if the single-desk selling function is to be removed for barley and/or wheat?

• (1405)

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Hays for the question. I think Senator Hays is the first person in the Senate who has admitted to having one of those BlackBerrys hidden in his back pocket.

With regard to the situation of the Canadian Wheat Board and the commitment of the government to give wheat producers and others a choice in marketing, the government is working still with the various stakeholders, including the two governments mentioned by the honourable senator.

As honourable senators know, there is some question about the people who are eligible to vote in the elections. A process is underway to ensure that the voting list is accurate and appropriate after some people were removed from the voting list.

Minister Strahl is making every effort to resolve this matter as quickly as possible. I am aware of the frustrations expressed by the Governments of Saskatchewan and Manitoba. I can assure Senator Hays that Minister Strahl is working hard to find a resolution to this complex matter.

Senator Hays: Honourable senators, I have touched on this issue, but I would like to emphasize again the depth of feeling on the two sides of this issue. It divides families. It divides the region and pits Alberta against Saskatchewan and Manitoba. If something is to be done outside of respecting the provisions of the requirement of a plebiscite, then that makes the issue much worse.

I urge the minister to consider a legislative solution to be dealt with in this place. As we all know, the provisions of Bill C-2 that relate to the Canadian Wheat Board and the access to information legislation applying to the board were a matter of great concern to members of the opposition in the Senate. Were we to deal with legislation that affects the Canadian Wheat Board outside of observing the proper steps that need to be taken to change its mandate, it would be difficult to deal with the matter in this place.

Is the minister factoring in this difficulty and sharing that with her colleague, the Minister of Agriculture, in terms of how the government proceeds?

Senator LeBreton: I thank the honourable senator for his question.

The honourable senator is right. There are differences between the wheat growers and the barley growers. The task force that looked into the marketing choice recommended a phased-in approach, with barley being first. The government agreed with that recommendation. As is known, the minister indicated he would proceed early in the new year with a plebiscite on barley for Canadian barley growers.

With regard to the question of specific legislation, I will inform the Minister of Agriculture of the views of the honourable senator. However, the intention of the government is clear. As Senator Gustafson has reminded us many times, we campaigned in the last election on the question of choice in marketing. It is the government's intention to follow that course.

I will raise with the Minister of Agriculture the concerns of the honourable senator with regard to the possibility of legislation.

• (1410)

Senator Hays: With respect to the task force and the matter of choice or no choice in terms of the single-desk selling option that

is currently in place on wheat and barley in interprovincial and international sales, the task force has met. Professor Murray Fulton of the University of Saskatchewan, a member of the task force, has highlighted a study. In his view — and I am not sure that he speaks for the whole task force; I assume he does not — the single-desk selling function taken away from the Canadian Wheat Board means that the Wheat Board ceases to exist.

This matter has been the subject of discussion, and we had an exchange on it at an earlier time. I cannot remember the exact number, but the Wheat Board — which has no capital because it distributes the proceeds of the various grain accounts — in order to function in a manner contrary to the way it functions now, will need working capital. To function on the scale it currently functions, it will need, as I recall, a working capital of some \$1.5 billion, which it does not have.

Assuming the single-desk selling function is taken away and the government is as good as its word in saying that the board could then function in a choice market environment, would the capital be given to the board so that it could conduct its business, in effect, as a grain company?

Senator LeBreton: Honourable senators, the minister has received recommendations from the task force, and my honourable friend has expressed the view of one member. As I mentioned in my earlier answer, we are committed to implementing marketing choice for Western Canadian wheat and barley growers.

As we all know, wheat and barley growers in Canada produce a first-class product. We see a very bright future for wheat and barley producers working in a system where they have marketing choice and/or the assistance of a voluntary wheat board.

With regard to the amount of money the honourable senator indicates the Wheat Board needs to operate, I have not specifically been party to discussions about how the minister and the government envisage the voluntary wheat board and how it would operate. I will take that part of the question as notice.

HEALTH

FUNDING FOR PILOT PROJECT FOR MEDICALLY SUPERVISED INJECTING FACILITY

Hon. Larry W. Campbell: Honourable senators, on November 21, 2006, the *Canadian Medical Association Journal* published findings with regard to the evaluation of a pilot project for a medically supervised safer injecting facility in Vancouver. This facility has been the subject of at least three peer-reviewed research projects, to my knowledge. It is supported by the B.C. government, the City of Vancouver and even Health Canada bureaucrats.

In September, we requested a three-year extension on this project, and it was denied. Minister Clement allowed the site to stay open for some 15 more months and cut off the funding for any research.

The difficulty, of course, is that Minister Clement said it was important to have a diversity of research. Of course, I agree with that, especially peer-reviewed research.

My question is directed to the Leader of the Government in the Senate. In announcing on September 1 a limited extension of the pilot project, why did the federal government cut off further research funding for the facility, when clearly there is a wish and a demand for more research to be conducted into these types of facilities?

Hon. Marjory LeBreton (Leader of the Government): As the honourable senators has pointed out, Minister Clement announced in September that the Vancouver site will remain open until December 31, 2007, while further studies are conducted and carried out.

• (1415)

As he pointed out at the time, before an informed decision can be made about the future of supervised injection sites in Canada, further research is needed to determine how these sites affect crime, prevention and treatment. Steps are under way to initiate this research and ensure that it is carried out in a timely fashion and in such a way that it can properly guide and inform the government as to how to proceed in the future with the drug injection sites.

Senator Campbell: I thank the Leader of the Government in the Senate. If the government would simply go to the *CMA Journal*, it would find that it has studied and peer-reviewed the characteristics of people using the facility, the issue of public order, the use of education services about safer injecting, HIV risk behaviour and safer injection practices, addiction treatment and care, overdoses and possible negative impacts.

I have been involved in this area for almost 30 years. Can the Leader of the Government, who has said that this research is being undertaken, advise us where this research is being undertaken, who is conducting it, and who is paying for it?

Senator LeBreton: I thank the honourable senator for his question and for drawing to my attention the *CMA Journal*. I will take the specific question as notice. I will take the question to my colleague, the Minister of Health, and report to the honourable senator as soon as possible.

THE ENVIRONMENT

KYOTO PROTOCOL—COMMITMENTS ON GREENHOUSE GAS EMISSIONS

Hon. Tommy Banks: My question is to the Leader of the Government and, to no one's surprise, has to do with Kyoto: the difference between Kyoto, on the one hand, and what is referred to as a made-in-Canada solution, on the other hand. I have asked this question before, but we all forgot about it, so I will ask it again.

When Canada went to the United Nations convention in Rio de Janeiro and agreed to the subsequent undertaking, which was the Kyoto accord, it undertook, as did every other signatory to that accord, to in effect determine and decide on its own what its targets and objectives would be and what goals it would try to attain. With respect to the Kyoto accord, the United Kingdom decided what its goals and measurements would be and the hoops through which it would jump. France determined what the French version of that would be and what its objectives would be. Canada determined what Canada's objectives would be.

Kyoto simply was a group of nations that agreed to take the first baby step having to do with one thing and one thing only, and that is greenhouse gas emissions. When the United Kingdom determined its objectives, measurements and goals, that was a made-in-United Kingdom solution. When France decided what its objectives would be, that was a made-in-France solution. When Canada decided, which it did, what the Canadian objectives, measurements and goals would be, it was a made-in-Canada decision. Kyoto and its objectives, as they apply to Canada, was a made-in-Canada solution.

I ask the question because I am an old marketing guy, so I understand the value of slogans and buzzwords. They are effective. This slogan was cleverly chosen and it has been effective. However, you are the government now, and it is time, I suggest, to stop using that phrase, because it indicates that the Kyoto objectives of the previous government were not made in Canada, when, in fact, they were.

I would like to be corrected if I am wrong. If I am wrong, would the Leader of the Government please tell us which, if any, of the objectives that were set out in the Kyoto accord and aspired to by Canada were not made in Canada?

Hon. Marjory LeBreton (Leader of the Government): That is an interesting question. The commitments that were made in Kyoto by the previous government were commitments — correctly, I suppose, one could use the term “made in Canada” — by the then Prime Minister, and no one is quarrelling with that.

• (1420)

The problem, as Senator Banks well knows and as people from the previous government now say, is that immediately upon the commitments being made there was concern and some acknowledgment that they could not be met. Of course, the commitments were not met.

However, that does not change the fact that we are now the government. We are working on this very important issue. We are trying to engage all Canadians, no matter their political stripe, in helping Canada and the world meet these very important commitments. However, greenhouse gas emissions increased by 25 to 30 per cent, which in no way detracts from the fact, as Senator Banks said, that these were made-in-Canada commitments. It simply means that the previous government committed Canada to goals that it knew we could not meet.

We now have a government that is committed to addressing the issue of greenhouse gas emissions and air pollution. For the first time, we have a government that is prepared to bring in a regulatory framework to ensure that we start the process, with the hope of moving it along quickly, to greatly reduce smog and of working on the greenhouse gas emissions.

We have been the government for eight months. I am pleased to note that despite the excessive rhetoric of various interest groups, which were equally as critical of the previous government as they are of this government, we now have a plan in place. Over the next while, we will be announcing various programs to help Canadians reduce emissions. We are also working to show our global partners that Canada is serious about this very important issue.

When Minister Ambrose was in Nairobi, she was paid some wonderful compliments for recognizing the problem, for committing Canada to address the problem and for her honesty.

[Translation]

TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

MEETING OF MUNICIPAL LEADERS— FUNDING FOR INFRASTRUCTURE

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate and concerns municipal financing. More than 100 municipal elected officials from across Canada met over the past few days in Ottawa to urge the Government of Canada to make a long-term commitment to helping municipalities finance public transit, housing and other priorities.

During the meeting, the President of the Federation of Canadian Municipalities, Gloria Kovach, emphasized that municipalities are now facing a \$60 billion black hole just to catch up on municipal infrastructure works.

• (1425)

The Mayor of Toronto, David Miller, said he hoped this government would promise to permanently finance those sectors that should, in his view, come under federal responsibility, such as housing and the continuation of the Supporting Communities Partnership Initiative, which has provided nearly \$700 million to Canadian cities since its inception in 2000.

Can the honourable Leader of the Government in the Senate give us an indication of the Canadian government's intentions in response to the pressing arguments made by the municipalities?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators the issue of infrastructure is an important and timely subject. We certainly have witnessed, in the last few months, the serious consequences when our infrastructure starts to crumble.

I am aware of the meeting taking place, and Minister Flaherty will be issuing an economic statement later today. I do not know, because I have not been briefed on it yet, exactly what, if anything, he will be saying about infrastructure in that announcement. I will undertake to obtain an answer for my honourable friend as to how the government intends to respond to the meetings that are being held today.

[Translation]

Senator Fox: Honourable senators, I thank the honourable Leader of the Government in the Senate for her response. However, I would like to draw to her attention the fact that, under the Right Hon. Paul Martin's government, a transfer payment was signed over — with the provinces' approval, I might add — to the municipalities, in particular for the gas tax.

[Senator LeBreton]

Yet, yesterday, in an interview with the *Toronto Star*, Ontario Premier McGuinty indicated that the \$6.8 billion agreement signed with Mr. Martin still has not been honoured by the current government.

In light of what the Minister of Finance said today, the Mayor of Toronto responded, and I quote:

[English]

You do not build a city with tax cuts, you do it with investment.

[Translation]

Can the honourable Leader of the Government in the Senate confirm to us that the government really does plan to honour the \$6.8 billion agreement signed by the previous government with the Government of Ontario and the other provinces?

[English]

Senator LeBreton: I believe that the Minister of Finance has made comments on the commitments to infrastructure by the previous government but I will double-check.

As honourable senators know, the government has been moving forward on several fronts regarding infrastructure agreements with the provinces, including a few weeks ago the announcement with the Premier of Quebec about Highway 30.

PUBLIC WORKS AND GOVERNMENT SERVICES

CREATION OF WORKPLACE CHILD CARE SPACES IN FEDERAL BUILDINGS

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, my question is for the Minister of Public Works and has to do with child care.

Incidentally, to the Leader of the Government in the Senate, time flies when you are having fun; I think you have been in government for 10 months, not eight.

To the Minister of Public Works, having demolished the carefully negotiated and adequately funded child care arrangement of the previous government, the policy of Canada's new government includes — and I think this is a fine thing to do — encouraging the creation of child care spaces in the workplace. Comparatively modest — but nonetheless real, I hope — funds were allocated to this policy in his spring budget.

Is the federal government putting its own money where its mouth is, so to speak; to wit, is it the policy of the federal government to have day care centres in all federal buildings or workplaces? If so, can we know the costs of them, both capital and operating, and how many places exist? If not, why not?

• (1430)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. I shall take the question as notice, on behalf of my colleague the Minister of Public Works and Government Services. Senator Fortier will be disappointed

that a question related to his portfolio was directed to him, given that on so many days he sits here hoping for such a question.

I shall certainly ask the minister if, in fact, plans are underway to proceed with child care facilities in the various Public Works buildings. As honourable senators know, budget 2006 set aside \$250 million per year, beginning in 2007-08, to support the creation of new child care spaces. This government initiative involves working with both the private sector and the provincial and territorial governments.

I shall speak to my colleague about his department's plans for ensuring the availability of child care spaces in buildings owned by the federal government and operated by Public Works and Government Services Canada.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

CREATION OF WORKPLACE CHILD CARE SPACES— PROGRESS OF NEGOTIATIONS WITH EMPLOYERS

Hon. Joan Fraser (Deputy Leader of the Opposition): I have a supplementary question for the Leader of the Government. She anticipated it slightly in her response. Yesterday's *National Post* — which has a bit of an ideological bent in the government's direction, I think — carried an interesting report, to the effect that negotiations with employers may not be going that well, that employers appear to be not that interested in creating child care centres on their premises or for their employees. The report actually did not surprise me. It would not surprise anyone who has been in the position of trying to persuade employers to create daycare centres. Talk about an uphill struggle.

Could the government leader provide us with information about those negotiations? Indeed, can she tell us whether the negotiations are ongoing? Is it true that employers have been less than enthusiastic about taking up the government's offer?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I also saw the report in the *National Post*. I must confess that I do not read the *National Post* every day, but I did see that report. I am still hung up on *The Globe and Mail*.

In any event, for every good news story, there is, of course, a bad news story. The alleged bad news stories get reported, and the good news stories do not. Some businesses and large corporations are very receptive. In fact, many large corporations and businesses probably should be used as examples. During the last election campaign, we toured some of the child care facilities in these large corporations and businesses. I remember being in a plastics factory in Bolton, Ontario, where I saw about the nicest child care facility I have ever seen in my life.

Let me assure Senator Fraser that I shall undertake to ask Minister Finley if she can produce some of the good news stories, to counteract the supposed bad news stories that seem to make their way into the newspapers. I shall endeavour to determine the status of the negotiations and when Minister Finley expects to see some concrete results to these negotiations.

ORDERS OF THE DAY

FEDERAL ACCOUNTABILITY BILL

MESSAGE FROM COMMONS—POSITION ON SENATE
AMENDMENTS—MOTION TO CONCUR—MOTION
TO REFER TO LEGAL AND CONSTITUTIONAL AFFAIRS
COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau:

That the Senate concur in the amendments made by the House of Commons to its amendments 29, 98 and 153 to Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability;

That the Senate do not insist on its amendments 2, 4 to 12, 14, 15, 18 to 20, 22 to 25, 28, 30, 31, 34 to 54, 55(a) to (d), 55(e)(ii) to (viii), 56 to 62, 65, 68, 69, 71, 80, 83, 85, 88 to 90, 92, 94, 96, 100 to 102, 107 to 110, 113, 115, 116, 118 to 121, 123, 128 to 134, 136 to 143, 145, 147 to 151, 154, 155 and 157 to which the House of Commons has disagreed; and

That a Message be sent to the House of Commons to acquaint that House accordingly;

And on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Day, that the motion, together with the message from the House of Commons on the same subject dated November 21, 2006, be referred to the Standing Senate Committee on Legal and Constitutional Affairs for consideration and report.

Hon. Jack Austin: Honourable senators, at the beginning of my comments, I wish to place on the record my admiration for the work and contribution of the Standing Senate Committee on Legal and Constitutional Affairs with respect to Bill C-2, the so-called federal accountability act. That committee did such a magnificent job of repair work, new construction and effective re-assembly that I did not contemplate the necessity from my own perspective of participating in any part of the debate on Bill C-2. I believed, in my total innocence, that the Harper government would be grateful. I want to especially recognize and commend our colleague Senator Joseph Day for his leadership on this side and thank our colleague Senator Donald Oliver for his work as chair of the committee.

As Senator Day emphasized in his remarks yesterday to the Senate, the other place spent two days considering the Senate's views and conclusions with respect to Bill C-2, this after weeks of work and the evidence of expert witnesses who came before the Senate committee. This dismissive attitude on the part of the other place clearly demonstrates their lack of respect for this chamber and its role as a chamber of review of legislation, a chamber of sober second thought, and its role as a check and balance on the executive component of our parliamentary system. What has been disclosed by the government's attitude, in particular, supported to no surprise by the Bloc who want to

dismantle federalism, portends trouble ahead for the parliamentary concept, which has been the foundation stone of our democracy. However, this is not a speech on Bill S-4 or on the resolution introduced by Senator Murray and seconded by me. That speech is for another time.

By now, honourable senators will have gathered my severe disappointment with the message before us. Bill C-2 is flawed in several of its aspects. Contrary to the government's spin, the bill does not enhance accountability and transparency. Rather, if passed, it will legislate loopholes that, instead of preventing another sponsorship scandal, could permit such deeds to occur again but never be publicly disclosed. What kind of ethics package is that?

There is so little speaking time allotted to me that I cannot fully explain many of my concerns. I will refer to two of the amendments that were rejected, amendments that relate to issues that I personally experienced.

The first of these issues relates to the ethical conduct of ministers and other public office-holders, including parliamentarians. The points that Senator Hays addressed yesterday about such provisions in the bill make clear to all that instead of drafting error, the proposed conflict of interest regime is designed deliberately to craft loopholes to deny the right of transparency and therefore of accountability.

This Prime Minister, for the first time since Canadian Prime Ministers promulgated codes of conduct for their ministers, has decreed that potential and apparent conflicts of interest are not a matter for public concern. Honourable senators, this means that cabinet ministers may award contracts in circumstances where they have a potential or apparent conflict of interest. Sitting around the cabinet table, they may make representations to their colleagues on issues where they have a potential or apparent conflict of interest, and no one outside that cabinet meeting may ever know. I have sat around the cabinet table, and I am proud to say that these were not the rules under which we operated. Our ethical standards were significantly higher.

Honourable senators, do we want public office-holders to discharge their duties and public responsibilities when they have a potential or apparent conflict of interest? Absolutely not. The whole point of the proposed conflict of interest act, and indeed the code of conduct governing each chamber, is precisely to have the commissioner serve as the arbiter of these issues. It is passing strange that this government would demand that this new commissioner replace Parliament and the public on some matters, but on issues of potential and apparent conflict of interest for ministers and other public office-holders suddenly hold the commissioner at bay. What is the government trying to hide? What, in fact, is going on that the Prime Minister is so determined to keep potential and apparent conflicts of interests out of the proposed act and away from the oversight of the commissioner? How can a cynical government have demanded, when in opposition, that Prime Minister Martin dispose of all of his interest in a family business because of potential or apparent conflict of interest and then turn around and protect who? What ministers and what interests? Well, nothing remains a secret for long in Ottawa. Never forget that.

I was also concerned to see the government's response to our amendments to clause 43(a) and related provisions of the proposed conflict of interest act. Honourable senators will recall that Prime Minister Harper, when he was in opposition, was most strident that it was improper for the Ethics Counsellor to advise the Prime Minister confidentially about conduct of a minister. The Conservative Party's election platform last year promised that a Conservative Government would "prevent the Prime Minister from overruling the Ethics Commissioner on whether the Prime Minister, a minister or an official is in violation of the Conflict of Interest Code."

• (1440)

I am sorry to report to you that this appears to be another Conservative promise about to be broken.

We have a situation whereby the rules imposed by the much-touted Conflict of Interest Act are vastly watered down from those under which we operated with the previous Liberal governments. This Prime Minister is insisting on secret reports from the conflict of interest and ethics commissioner on the conduct of his ministers and other public office-holders, even when the commissioner concludes they have violated the Act. This concept is shameful, honourable senators. No wonder the government is exerting such pressure to pass the bill quickly. They are afraid that Canadians will discover what the bill truly says, and they are right to be afraid. I am also gravely concerned that this government lacks understanding of fundamental concepts of parliamentary privilege. These matters are not casual but rather represent some of the most basic, critical founding principles of our democratic system. It is of grave concern to me, as I know it is to others in this chamber, if this government does not understand these concepts. However, if it does understand the concepts, yet is determined to proceed notwithstanding the consequences of its actions, then that is cause for even greater concern. Honourable senators, because of time constraints, I must leave the details of this issue and many others to my colleagues in the chamber.

The second issue I wish to address today is the government's insistence on a single conflict of interest and ethics commissioner for members of the executive in the other place and this chamber. There are two points of concern: having a single commissioner for all three bodies and the manner of appointment of that commissioner.

Honourable senators will recall that the daft bill originally proposed by then Prime Minister Chrétien in October 2002 would have created a single ethics commissioner for members of the Senate, members of the House of Commons and public office-holders. Immediately upon its introduction, this proposal met with significant resistance from senators, not least because it provided for one person to report to both Houses and to the executive. Senator Lynch-Staunton, then Leader of the Opposition in the Senate, on November 5, 2002, spoke to the proposal and had the following exchange with Senator Grafstein:

Senator Grafstein: The Honourable Leader of the Opposition has been staunch in the sovereignty of the powers of the Senate but has made no mention with respect to the different and separate powers between the House of Commons and this chamber. Is he not concerned that by allowing a commissioner to apply to both Houses, that person, as honourable as he or she may be, would have

more direct responsibility on a day-to-day basis to the other chamber than to what we have traditionally done in this place, which is to handle our own matters vis-à-vis our own rules?

Senator Lynch-Staunton: I am in complete agreement...I feel very strongly that this house should be the master of its internal rules, as it affects the running of the chamber, committees and the code of conduct of its own members....

Senator Grafstein: I thank the honourable senator for his response.

I think the honourable leader agrees with me that the question of the jurist consult to both Houses runs contrary to the constitutional position that the two Houses are to be dealt with in a separate way. Does the Honourable Leader of the Opposition agree with that proposition?

Senator Lynch-Staunton: Completely.

I am sure there are colleagues on the government side who remember Senator Lynch-Staunton.

On November 26, 2002, Senator Joyal succinctly stated the issue in the chamber as follows:

The package that has been proposed by the government, in my humble opinion, raises three fundamental issues. Three sets of principles are, in my opinion, at stake in the government's proposal. The first point is that the chamber, our chamber, is the sole master of the rules regarding the conduct of its members. This is fundamental. The second point is that the Senate is an autonomous House of Parliament. This is also fundamental. The third point is that the structure of government provides for a clear separation of rights and privileges or prerogatives between the executive, the legislative and the judicial branches of government. These are the vital checks and balances of our system of government. In other words, each branch of government — the executive, the legislative and the judicial, is autonomous in its responsibility and master of its privileges and rights.

There could be no doubt of the accuracy of that statement.

The Standing Committee on Rules, Procedures and the Rights of Parliament studied the government's proposal. In April 2003, the Rules Committee, chaired by Senator Milne and deputy chaired by Senator Andreychuk, issued an interim report, in which the committee highlighted one of the "key areas of agreement at this point in our study:"

Each of the Senate, the House of Commons and the Executive should have its own ethics officer.

Senator Andreychuk will no doubt confirm to this chamber that she, along with her Conservative colleagues on the committee, were unanimously supportive of this recommendation. These issues are not casual issues, honourable senators. They strike at the heart of fundamental points of parliamentary rights and privileges.

This chamber then adopted the committee's report and rejected the government's proposal for a single commissioner. I am proud to say that the Liberal Government of then Prime Minister Chrétien respected our views and agreed to separate commissioners for the two Houses. It was the considered view of this house and of members of both sides of the chamber that the best solution is a separate commissioner for each of the executive, the members of the other place and the members of this chamber. However, we did not believe it appropriate for this chamber to dictate to members of the other place how they should manage their internal affairs, as I consider it to be inappropriate and flatly wrong now for the other place to purport to dictate to us on this matter.

The issue then turned to the appointment procedure of the proposed senate ethics officer. The bill that came before us contained the following provision:

20.1 The Governor in Council shall, by commission under the Great Seal, appoint a Senate Ethics Officer after consultation with the leader of every recognized party in the Senate and after approval of the appointment by resolution of the Senate.

Astute colleagues will note that this wording is identical to that in Bill C-2 before us except that Bill C-2 also includes the other place. This provision is set out in section 81(1) of the proposed amendments to the Parliament of Canada Act, at page 44 of Bill C-2.

Honourable senators on both sides of this chamber were adamant that this was unacceptable. When Senator Day spoke at second reading of Bill C-2, he quoted a number of statements from that time made by honourable senators opposite. During his speech, there was much hilarity. I recall honourable senators on the other side standing up and taking bows as Senator Day reminded them of their words from that time.

Honourable senators, this is no matter for frivolity. At issue is nothing less than the independence of the Senate of Canada and our ability to function effectively and constitutionally. What point of principle has been clarified for these honourable senators that has caused them now to change their view completely? We are speaking here of matters that surely go beyond partisanship. They go to the very heart of the constitutional role of this chamber. Last time, many honourable senators on this side disagreed publicly with the proposal of the Chrétien government, and then with the proposal of the Martin government. I ask honourable senators opposite: do you have principles? Are you not able to speak independent of the Harper executive?

Allow me to remind some honourable senators of their words. I hope they will enlighten us and explain whether they continue to hold these views today and, if not, why not? Senator Comeau, now Deputy Leader of the Government, had strong views on this issue on November 5, 2003:

Senator Comeau: From reading the bill, my understanding is that the ethics officer will be a government appointee, owing his appointment and reappointment to the Prime Minister. Also, his salary will be paid by the executive. This sets up an employee of the executive working in the Senate....Picture yourself in the opposition, having to open your private books, and possibly

those of your spouse's private books, financial and otherwise, to a person who is appointed by the Prime Minister and owes his or her reappointment and salary to the Prime Minister, and reports to the Speaker of the Senate....We will have what is called an ethics officer who will be hired and appointed by the Prime Minister, as sanctioned by his majority, whose salary will be dependent on the decision of the Prime Minister and who, ultimately, must get his budget through the Speaker who, dare I say it, is appointed by the Prime Minister.

As a senator, I will have to go before this person and lay completely bare, for all to see, my personal finances and my spouse's personal finances, as will be determined by the Rules Committee, which can hold meetings without opposition members being present.

Will this not cause people like myself, who have believed in parliamentary privilege for a long time, if there is a person appointed by the Prime Minister's Office to whom I must report all this information and with whom I have to start —

• (1450)

The Hon. the Speaker: Honourable senator, your time has expired.

Senator Austin: May I have more time?

Hon. Marjory LeBreton (Leader of the Government): Senator Austin may have five minutes.

Senator Austin: I shall take five minutes.

Hon. Anne C. Cools: Ask for 10 minutes.

Senator Austin: I shall continue to quote from Senator Comeau:

...if there is a person appointed by the Prime Minister's Office to whom I must report all this information and with whom I have to start consulting? We have seen what can happen when a lapdog is appointed.

I wonder how Senator Comeau feels now, when faced with a bill that delivers exactly what he feared.

Senator Oliver, who, of course, was sponsored Bill C-2 and is the chair of the Standing Senate Committee on Legal and Constitutional Affairs, the committee that studied the bill, was very outspoken on March 29, 2004. He said:

Honourable senators, even though it has been quoted to you on several occasions by several speakers, one cannot help but go back to the main language in Bill C-4, proposed section 20.1. The language is clear and unmistakeable. "The Governor in Council shall...." Nothing could be clearer. In other words, not the Senate; this is not a Senate initiative....

As Bill C-4 stands now, it not only continues to provide the Prime Minister with this control and influence, but it suggests that he would also have similar control over the ethics officer appointed to the Senate. I suggest to honourable senators that if the Senate blindly accepts

Bill C-4 as it now stands, then we, too, would be seen as lapdogs, not watchdogs. We, too, would compromise our independence.

That independence is crucial to preserving our integrity. The Senate, and not the Governor in Council, must appoint the Senate ethics officer, and we should do it by resolution of this chamber.

Honourable senators, Senator Oliver said that on March 29, 2004. What does Senator Oliver believe today and how would he describe today, to young law students, his change of view?

Senator Andreychuk was equally clear on her views on March 30, 2004 I shall quote from her remarks of that day:

There is nothing in Bill C-4 to assure the public that there is independence or an ethical standard. Rather, if we pass Bill C-4, we will have taken away the independence of the Senate to appoint its own and, hence, be accountable to the public. We will have given this power to the Prime Minister, thereby increasing the consolidation of the power of the Prime Minister and the Prime Minister's office over even more action over Parliament.

We will be creating a further democratic deficit in Parliament at a time when the public wants a real return to parliamentary process....

Honourable senators, Bill C-4 represents the first time in over 100 years that our independence from the government will be tested by law. This comes at the very time when the public is questioning our legitimacy due to the fact that we are appointed. Surely, our critics will be right if we do not at least pass Senator Bryden's amendment. Otherwise, the Prime Minister's will and power over this house will be complete and our irrelevance underscored. As Senator Oliver said, from watchdog to lap dog.

Honourable senators will recall that Senator Bryden had proposed an amendment that provided that the Senate shall, by resolution and with the consent of the leaders of all recognized parties, appoint a Senate ethics officer. It is to that amendment that Senator Andreychuk referred.

Senator Stratton, who has been an outspoken defender of Bill C-2, was no less outspoken on March 30, 2004.

Senator Stratton: Senator Austin could not leave me out.

Senator Austin: He said the following in this chamber —

Senator LeBreton: That was then; this is now. An independent judge.

Senator Austin: Senator Stratton, quoting a question that he asked of Joseph Maingot in committee on March 16, 2004, said the following on March 30, 2004:

The question really boils down to the appointment. Clause 20.1 of the bill reads, in part: "The Governor in Council shall, by commission under the Great Seal, appoint a Senate Ethics Officer." The Governor in Council is, in fact, the Prime Minister of the House of Commons. He is then appointing the ethics officer of this chamber.

If you go by Great Britain's history, the two chambers are supposed to be independent. I should like you —

Senator Stratton is speaking here to Joseph Maingot.

— to comment on the importance of the independence of the two chambers and whether or not you feel there is a conflict in the Prime Minister appointing an ethics officer to this chamber rather than this chamber itself selecting and appointing an ethics officer.

Senator Di Nino is here today. On March 30, 2004, he was clear in expressing the constitutional flaws he saw with the proposal — and I quote:

This debate is about the even further erosion of our independence. We are constitutionally an independent and effective House of Parliament responsible to the Constitution and to the citizens of Canada. In my opinion, if enacted without amendment, Bill C-4 would further erode the Senate's independence.

The ethics officer will be appointed by the Governor in Council, which office will also set his or her compensation. The officer will be removable by the Governor in Council. The Governor in Council will appoint an interim ethics officer.

Some Hon. Senators: More, more.

Some Hon. Senators: No, no.

Some Hon. Senators: More, more.

Senator Austin: I would offer to respond to questions, if I were given additional time.

The Hon. the Speaker: Senator Austin is requesting further time.

Some Hon. Senators: No.

Some Hon. Senators: Agreed.

Senator Rompkey: Shame!

Senator Austin: May I put the question to the house?

Some Hon. Senators: Yes.

Senator Austin: I would ask the chamber to rule on whether I am entitled to five more minutes.

Senator Cools: Yes, yes. I move that Senator Austin be heard.

Some Hon. Senators: No.

The Hon. the Speaker: Honourable senators, the rule is very clear — it allows for 15 minutes. It took leave of the house to have an extension, which was granted. A further extension would take leave, and leave is denied by one senator. I heard "no" so, unfortunately, Senator Austin, leave is not granted.

Senator Cools: However, there is no limit on leave that is granted, Your Honour. Senator Austin received leave to continue. A lonely voice over here said five minutes, but that voice is not the will of this place.

Senator Carney: The Speaker said five minutes.

Senator Cools: No the Speaker did not say five minutes; she said it over here.

Senator Austin: Another five minutes.

Senator Cools: If necessary, we could move by motion, so that Senator Austin could finish his speech. There is ample time. There is no rush on this matter. The urgency that has been created is an artificial.

Senator Austin: I wish you would quote me from those days. I wish the record would show what I said back then.

Some Hon. Senators: Order.

Senator Cools: I will have you know that in the Senate we can speak to each other with each other's permission. The Speaker is not supposed to enter into any debates in this place, unless we speak to him first, and no one is speaking to him right now.

Senator Austin: On a point of order, I want it noted that the government leader and the deputy leader have refused additional consent to me to finish my argument.

Senator Comeau: Exactly. Agreed. Put it on the record. On the record.

Some Hon. Senators: Hear, hear!

Some Hon. Senators: More, more.

Hon. Wilfred P. Moore: Honourable senators, on a point of order. What Senator Cools says is correct. Senator Austin asked for extended time, and no limit was placed on it. Senator Comeau was not in his seat with his usual five fingers held up. That did not happen. The Speaker did not limit Senator Austin's time.

Senator Di Nino: Our leader did.

Senator Moore: There was no time put on Senator Austin's request.

Senator Angus: Senator Austin said he would go for five minutes.

Senator Moore: He said he might need more time, but no one said at that time that he could not have it. No one said he was limited to five minutes. He gets to carry on.

Hon. Terry Stratton: Senator Moore, I will bear witness that Senator LeBreton said five minutes.

Senator Cools: Your Honour, in the meantime, I should like to speak on this.

Senator Austin: I asked for additional time. I agreed to the five minutes. I also said I would need some additional time to finish. That request was denied. I am not asking to continue, given the position taken by the Leader of the Government in the Senate.

Senator Oliver: You did not say "need."

Senator Austin: I am not allowed to continue given the time allotted by the Leader of the Government.

Senator Cools: Honourable senators, time is not the problem here. The issue is not five or 10 minutes. The issue —

Senator Comeau: What about the rule?

Senator Cools: What rules? You guys do not follow any rules. The issue is that the honourable senator who just spoke is a member of the Privy Council, a former leader of this place, and when he rises to speak he brings a certain dignity to the place. Granting five or 10 minutes is nothing.

• (1500)

Honourable senators, I would like to question this phenomenon of one or two senators on the opposition side always attempting to put a limit on leave. When a senator asks for leave, that is precisely what a senator asks for. It is not open to another senator to rise and say that leave is limited to five minutes without asking the entire house to agree to that. These senators do it all the time. It is not open to any individual to dictate to any other person what leave means.

Perhaps we may want to clarify that issue at some point in time. I hear it again and again, and I have seen the government and opposition sides do it. Senator Stratton is a great proponent of doing it, but that one word when someone calls out a number of minutes in no way has any binding effect or any effect whatsoever on the fact that the house has granted leave, which it usually indicates by voices.

Some Hon. Senators: Hear, hear!

Senator Cools: A lot of nonsense and a lot of foolishness is going on in this place. We might as well admit that, as far as many are concerned here, you, the government supporters are simply overthrowing the Constitution. You do not believe in it, and you do not respect this place. You have no respect for the Senate.

As a matter of fact, I will speak. I was not intending to speak; I have tried to stay quiet through this debate. Since these folks so rudely, abruptly, in a hostile and aggressive manner removed me from committees, I have tried to be as gracious as I possibly could. For someone like me, whose convictions usually rise to the fore and who can become passionate, I have been trying to be restrained. I will speak to this debate in a few moments.

Maybe they have to say "yea" or "nay." It is a sad abuse of power when a small group of people have an opportunity to be magnanimous but are not, and the only way they can exercise their will over others is to deny agreement for a five- or ten-minute speech. I think it is pretty small.

I will speak on this today.

Some Hon. Senators: Hear, hear!

Senator Stratton: After that little sidebar, if I may continue.

Senator Cools: That was not a sidebar. You are a rude man.

Senator Stratton: Honourable senators, I am happy to participate in this debate on the government motion in response to the parliamentary proceedings on our amendments to Bill-C-2.

Some Hon. Senators: Hear, hear.

Senator Cools: Point of order. Honourable senators, this is not a government motion. What is before us supposedly, and I argue that it is not before us, is the question of a message to the Senate.

Honourable senators, whereas some bills can be government bills, a message is a different constitutional creature. A government bill is one kind of a constitutional creature. At that point, a government can claim ownership over the bill because it is a government bill, but that is not so with a message from the House of Commons. A message from the House of Commons is not a government creature; it is a creature of the whole house, which comes here seeking the opinion of this whole house, that is to say, all the senators, and it is not proper or right that the government members here act as if they own it and it is their message. It is not.

That is indicative of the overall problem that is currently caught in the entire situation. The government believes that it is the cabinet, the Governor General, the House of Commons and the Senate. Honourable senators, it is not a government item that is before us. If the government does not understand that, it should learn it. We are on a message. The proposal is to amend that motion to send it to committee. However, it is not a government motion.

Senator LeBreton: That is right.

Senator Comeau: We agree.

Senator Cools: It is not government business. You have not agreed because you have not got to your feet to say anything.

Senator Comeau: We agree.

Senator LeBreton: I sent a message on that to the House of Commons yesterday.

Senator Cools: I am speaking of the way you are prosecuting this issue. It is as though you are treating it like it was a government bill. You do not seem to understand the constitutional difference. That is not uncommon. Many of these major constitutional questions and nuances are frequently obfuscated.

Senator Stratton: Before I proceed, honourable senators, I would like to say a few words of thanks, if I may, to both sides of the chamber with respect to the bill because a great number of hours were put in by members on both sides in the Standing Senate Committee on Legal and Constitutional Affairs who gave up hours of their time, in particular, Senator Day, Senator Joyal, Senator Baker, Senator Cowan and Senator Milne. If I have missed others, my apologies. On our side, there is Senator

Oliver, who chaired the committee, and, believe me, to get this bill through clause-by-clause review was an incredible chore. I give him my congratulations, and also my congratulations to Senator Andreychuk and Senator Nolin.

During the last election, accountability was prominently featured in the Conservative Party of Canada platform. While those platform commitments were broad and encompassing, they included four commitments to reform the political financing rules in Canada.

First, there was a commitment to reduce the limits for political contributions to \$1,000. It was meant to level the playing field and to eliminate any appearance of undue influence based on large capital contributions.

Second, there was a commitment to ban donations from unions, corporations or organizations to candidates, the district associations and nomination contestants. That commitment will eliminate loopholes in the Canada Elections Act that now allow individuals to illegally circumvent the personal contribution limits by contributing twice — once through private contributions and once through contributions made by a union, corporation or organization. This measure will help restore faith in the integrity of the election financing system.

Third, there was a commitment to ban cash donations to ensure that there is a traceable instrument when a contribution is made. There will no longer be envelopes full of cash given to political operatives in dark restaurants.

Fourth, the party promised to extend the period during which charges could be laid for an offence committed under the Canada Elections Act to enhance its enforcement. The Commissioner of Canada Elections, the official responsible for the enforcement of the act, currently can lay charges only for wrongdoing that occurred less than seven years ago. The party campaigned on extending this period to 10 years.

Honourable senators, our accountability platform struck a resonant chord with Canadians, and on January 23, 2006, electors put their trust in us and elected the Conservative government.

Senator Oliver: Hear, hear!

Senator Stratton: After years of scandals, Canadians rightfully demanded change, including in the area of political financing. As the first piece of legislation introduced by Canada's new government, the federal accountability act, Bill C-2, delivered our platform commitments.

Bill C-2 and, in particular, the political financing reform set out in this bill, were supported by a clear majority of members of the other place. New Democrats and Bloc Québécois MPs voted with the government to introduce new \$1,000 contribution limits, ban contributions by non-individuals, ban cash donations and extend the period during which charges can be laid for offences committed under the Canada Elections Act from seven years to

10 years after the offence was committed. This bill also provides that within this 10-year window, charges must be laid no later than five years after the Commissioner of Canada Elections becomes aware of the facts.

• (1510)

When the House of Commons adopted Bill C-2 at third reading on June 21, 2006, the bill fully reflected the government's campaign commitments on these four reforms. Indeed, no amendments to these provisions of Bill C-2 were made in the House of Commons. Proposed amendments by the official opposition to these measures were soundly defeated by the combined action of members of the Conservative, NDP and Bloc caucuses.

Honourable senators, some 65 per cent of electors voted for a candidate from these three parties. When I look around in this chamber, I do not see anyone who was elected.

We sometimes hear an argument that the government only obtained minority support in the last election and that this would mean that Bill C-2 is somehow flawed.

Honourable senators, along with many of my colleagues I was deeply troubled when, on October 26, the Standing Senate Committee on Legal and Constitutional Affairs reported the bill back to the Senate with amendments to the political financing measures that clearly go against the policy as set out in the bill, as endorsed by the electorate and as endorsed by a majority of members in the other place.

As I noted earlier, honourable senators, the Conservative Party platform with respect to the reform of Canada's political financing regime could not have been more clear.

Opposition senators adopted amendments to Bill C-2 to increase the contribution limits to \$2,000; provide for a multiplier that would double these limits when there are two elections in one year, and even triple allowable donations if there are three elections in one year; and shorten the limitation period from 10 years in the bill to seven years after the offence was committed.

In another move that defies comprehension, opposition senators also adopted an amendment that could delay the coming into force of these measures to as late as January 1, 2008. This is more than a year into the future, honourable senators. Clearly, Canadians did not vote for change in 2006 with the expectation that they would have to wait until 2008 to see concrete action. This is not acceptable.

Honourable senators, I would like to take some time to go over the amendments that were made in the Senate and which the House of Commons has rejected. I will deal first with contributions limits.

One series of amendments was related to the contribution limits in the Canada Elections Act. The Liberal amendments raised the proposed limits from \$1,000 to \$2,000. Currently, the limits in the act are \$5,000. However, it should be noted that there is —

Senator Cools: Point of order.

Senator Stratton: — a single \$5,000 limit applicable to donations made to a political party including —

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Senator Stratton, I am sorry to interrupt.

Senator Cools, on a point of order.

Senator Cools: I believe I just understood Senator Stratton to say that in the committee the Liberals raised the limits. My understanding is that those amendments were made by the committee and that they are the committee's amendments. They are not Liberal amendments or anybody else's amendments. Am I correct or not?

Some Hon. Senators: Hear, hear!

Senator Comeau: That is debate.

Senator Cools: It is a point of order. If you want, I could go on.

It is assiduously asserted here by the government supporters, again and again, that somehow or the other these actions are the actions of the Liberals alone. When the report of the bill was adopted, and when the bill was adopted at third reading, my recollection is that all the members of the government — and I kept my mouth zipped — said “yea.” If they did not vote for the bill, it would have meant that the government was attempting to defeat its own bill. What you are doing is trying to rise and fall at the same time, and you cannot do it. You cannot rise and fall simultaneously.

Those amendments are no longer anybody's amendments. They are the Senate's amendments, which means that they are also owned by the government; so the government should accept responsibility —

The Hon. the Acting Speaker: Honourable Senator Cools, I think the point is well taken. Honourable Senator Stratton has the floor.

Senator Stratton: My point was that in committee the Liberals put forward amendments to this effect. The bill was passed on division. I am not misspeaking at all.

I will continue.

While Bill C-2, as introduced by the government, proposed to lower the contribution limits, the government recognized that it would be difficult for the local entities of a party to get their fair share of contributions under a lower limit. This is why the Conservative Party campaigned on and the government's bill proposed to introduce two distinct limits: a \$1,000 limit applicable to donations made to the national party and another \$1,000 limit applicable to donations made to the local entities of that party.

By raising the contribution limits of Bill C-2 from \$1,000 to \$2,000, in effect, opposition senators had proposed that a total of \$4,000 in contributions be made to a political party and its local entities.

Honourable senators, this is only a net decrease of \$1,000 from the current situation in the Canada Elections Act. I believe that Canadian electors would be shocked to learn that their expressed

wishes to have limits of \$1,000 for donations to parties and another \$1,000 to candidates has been distorted by the Senate to mean a limit of \$4,000 per year. This would amount to a reduction of only \$1,000 in total of such donations. That will do nothing to remove the strong public perception that money can influence politics.

Honourable senators, one must remember that some 99 per cent of contributions to parties and candidates are for an amount far less than \$1,000. Indeed, the average donations made to parties and to their local entities are for an amount under \$200. The limits proposed by the government in Bill C-2 are clearly in line with the giving patterns of Canadians.

When the Conservative Party developed its campaign pledge to lower contribution limits to \$1,000, it anticipated that the only contributions that would be cut off would be those from individuals giving an amount that is 10 to 25 times larger than the average contribution. Attempts to raise those limits can therefore only be interpreted as an attempt to allow those with money to give more than the rest, in the hopes that this will buy some type of influence, perceived or otherwise. Again, this is something that Canadian electors expressly rejected at the last election.

With respect to the so-called multiplier that would increase the limits in years where there is more than one general election, the statistics I mentioned earlier clearly indicate that the giving patterns of Canadians mean that they would have enough room within the \$1,000 contribution limit to give to parties and candidates for more than one election in one year. This amendment is not needed and provides added risk that the perceptions of undue influence will prevail.

Honourable senators, with respect to the limitation period, once again opposition senators acted in a manner contrary to the clear mandate the government received from Canadians in the last election. The current limitation period in the Canada Elections Act means that charges for an offence committed under the act must be laid within a period of seven years after the offence was committed. Within this seven-year window, the Commissioner of Canada Elections has to lay the charges no later than 18 months after he becomes aware of the facts giving rise to the offence. In essence, this means that the commissioner can only investigate an offence for 18 months before he must decide whether to lay charges.

The Conservative Party ran on a platform to increase that seven-year period to 10 years, meaning that the commissioner would have a 10-year window within which to lay charges after an offence was committed. This was recommended by the Chief Electoral Officer in his September 2005 report to Parliament.

In addition, the government decided in Bill C-2 to also extend the knowledge portion of the limitation period from 18 months to five years after the commissioner became aware of the offence.

• (1520)

The extension of the overall limitation to 10 years was recommended by the Chief Electoral Officer because he felt there had been an adverse impact on the trust of Canadians in the enforcement scheme of the Canada Elections Act when the Commissioner of Canada Elections announced that he was

time-barred from investigating allegations of wrongdoing that surfaced through the Gomery inquiry dating back, in the beginning, to 1995. Yet opposition senators voted contrary to the express mandate given to the government by electors and amended Bill C-2 to maintain the existing overall limitation to seven years. They even tried to reduce it to five years. I would remind honourable senators that this very change was recommended by an independent officer of Parliament.

For these reasons, honourable senators, I was pleased to see that a majority of members in the other place have again agreed with new financing limits and have rejected the proposed higher limits sought by the Senate opposition.

Hon. Hugh Segal: Would the honourable senator take a question?

Senator Stratton: Yes.

Senator Segal: Without in any way questioning the government's intent, which of course I support, or the provisions of the bill, in the senator's long and distinguished service in public life with federal and provincial politicians, has he ever come across one for whom a lawful \$2,000, \$3,000, \$4,000 or \$5,000 donation to a political party would constitute any undue influence whatsoever?

Senator Stratton: Yes.

Senator Austin: Ask him for an example.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would first like to join with others who have extended their appreciation for the work of all members on the committee. I know all of them approached the —

The Hon. the Speaker: It is the usual practice to go back and forth and I just want to make sure that my list is right; it is not the opposition side?

Senator Comeau: Absolutely.

Senator Cools: Is Senator Comeau planning to be the last speaker?

Senator Austin: Yes, he is.

The Hon. the Speaker: Senator Grafstein wishes to participate in the debate.

Senator Cools: Did he introduce this? I want to know who will be the last speaker. Who began the debate? Who is carrying the debate? When that person speaks, it will have the effect of closing the debate.

Senator Comeau: Senator LeBreton.

Senator Cools: Is Senator LeBreton planning to speak? Is she planning to close the debate?

Senator Comeau: No.

Senator Cools: I just want to say a few words in this debate. Thank you very much.

Hon. Jerahmiel S. Grafstein: Honourable senators, I rise briefly to address the question of the separation of our two Houses and the separate Ethics Officer. Honourable senators will recall that our house has a constitutional framework that is not only expressed in the Constitution of 1982, which incorporates the constitutional documents going back to 1867, but there is also the Constitution of the U.K. upon which these Houses were built.

The foundation was based on two elements: the written, the express Constitution, and also the principles underlying the British Parliament. It is clear from the days of Blackstone, and even earlier from Montesquieu, that one of the key elements in the governance of a democratic society was the separation of powers and the checks and balances on those powers. Hence, we had an executive that was separate and distinct from the House of Commons, and then we had the upper chamber, which was separate and distinct from the other two. Then, on the other hand, we had the judiciary that was separate and distinct as well.

Since Confederation, we have always been able to maintain the preservation of the Houses separate from the executive on the basis of the Blackstone formula and the Montesquieu formula of checks and balances. However, the executive could not accrete to itself undue power, and any power that was given to the executive by the normal means, whether by appointment or otherwise, would be checked and balanced by each of the Houses and the Houses each would check and balance each other. Hence, we have six readings of a bill — three readings in the other chamber, three readings here — all with a view to checking and balancing each chamber, and at the same time acting as a check and balance against the executive.

When Senator Austin referred to the text of our committee hearings and the debate in this chamber, he referred to Mr. Maingot, who was a law officer of Parliament. He was asked a question — I think it was by Senator Stratton — about whether the separation of Houses and the separation of their orders were constitutional matters. As I recall the text — and please correct me if I am wrong, Senator Stratton — he said "Obviously, yes." It was your question, in response to your issue at that particular time.

Now I am not here to embarrass any senator, because many of us have said things and changed our minds over the course of time. I would be the first to admit that I have done that from time to time, and consistency is sometimes the ogre of small minds. However, having said that, this issue, to my mind, does not go to another accountability issue; it is not a question that goes to satisfying a particular mandate of a minority government that does not even have a majority mandate; and quite frankly this issue, as I recall it, was never raised in the election as a separate issue. Therefore, when the government comes to this chamber and says that this is part of their mandate, that is not factually correct.

If I am wrong, please correct me. I did not read all the documents and all the platforms, but I never heard that. The reason I did not hear it is because I was particularly interested in this because, as Senator Austin said, some of us on this side had to convince our political masters, our executive, that this was not an appropriate thing to do. Thank God that they listened to reason and backed off.

I hope that in the fullness of time, after this matter is referred back to the committee, every senator in this place will look at their words and give us a rationale as to why they have changed because all of a sudden the government has changed. We are here to protect this institution. As long as the Constitution is not amended, as long as there is not a constitutional change, we are sworn to uphold the powers of this institution, this Parliament, this separation of powers, this place called the Senate.

Many of us have come to respect this institution in a way that we did not before we came to this place. I would hope in the fullness of time senators opposite would take a look at their own words when the shoe is on the other foot and hopefully join us on this side when this measure comes back and send it back to the other place. It is not a question of electoral mandates; it is a question of constitutional propriety that goes to the heart of the Constitution of Canada. It goes to the heart of Parliament. Please, I beg you to support us in this measure because we will send it back.

Senator Cools: Honourable senators, I had a quotation here, which articulates what Senator Grafstein was just talking about. I did not know he would raise this constitutional matter. I had been working on another speech. It is from Blackstone, and it is contained in his book one.

For those who do not know Blackstone, his famous work is the *Commentaries of the Laws of England* in four books by Sir William Blackstone. The particular edition is the 1859 one prepared by George Sharswood, who was Chief Justice of the Supreme Court of Pennsylvania. I will quote it since all this talk is about accountability, but I have rarely seen such unaccountable parliamentary behaviour in my entire life as in the prosecution of Bill C-2 the proposed federal accountability act, and the proceedings around it.

To come back to my quote from Mr. Blackstone, he writes at page 153:

...and herein indeed consists the true excellence of the English government, that all the parts of it form a mutual check upon each other. In the legislature, the people are a check upon the nobility, and the nobility a check upon the people, by the mutual privilege of rejecting what the other has resolved:

• (1530)

Did honourable senators hear that? He states, "the mutual privilege." That is what the law of Parliament is. Our privilege is mutually held.

Blackstone goes on to state:

...while the king is a check upon both, which preserves the executive power from encroachments. And this very executive power is again checked and kept within due bounds by the two houses, through the privilege they have of inquiring into, impeaching, and punishing the conduct (not indeed of the king, (r) which would destroy his constitutional independence; but, which is more beneficial to the public) of his evil and pernicious counsellors. Thus every branch of our civil polity supports and is supported,

regulates and is regulated, by the rest: for the two houses naturally drawing in two directions of opposite interest, and the prerogative in another still different from them both, they mutually keep each other from exceeding their proper limits; while the whole is prevented from separation and artificially connected together by the mixed nature of the crown, which is the part of the legislative, and the sole executive magistrate. Like three distinct powers in mechanics, they jointly impel the machine of government in a direction different from what either, acting by itself, would have done; but at the same time in a direction partaking of each, and formed out of all; a direction which constitutes the true line of the liberty and the happiness of the community.

Those are words uttered by one of the great masters of all time of the common law, namely, Sir William Blackstone. Those words are as true and necessary today as they ever were, particularly in a time — and I have said this a thousand different ways and in a thousand different places — when there is now in this country no constitutional check upon the powers of a Prime Minister and his office.

I am a senator from Ontario. I have read and studied a lot about the history of the development of responsible government in Upper Canada, in Ontario. The development of responsible government, which is embodied in the BNA Act as we have received it from the U.K., was brought about because of the abuses and violations of people in power.

As a matter of fact, I happen to have with me a quotation by none other than William Lyon Mackenzie, the grandfather of Prime Minister William Lyon Mackenzie King. This was recorded in Margaret Fairley's book entitled, *The Selected Writings of William Lyon Mackenzie, 1824-1837*. In an address, he stated:

But we would humbly yet earnestly represent to Your Majesty...for there is not now, neither has there ever been in this province, any real constitutional check upon the natural disposition of men in the possession of power, to promote their own partial views and interests at the expense of the interests of the great body of the people.

Honourable senators, that is what constitutions are about. That is what the Houses of Parliament have been.

I want to express to honourable senators the enormous disappointment and shock that I have experienced in observing the prosecution of this Bill C-2. I have been profoundly shocked and disappointed at the less than sufficient drafting of this bill. It is rare in our annals that such a large and enormous bill has been so poorly drafted. It borders on shabbiness and the arrogance that persistently demands that it should be passed without question, without speech, without debate, only adds to the distress — 10 minutes, 10 hours, 10 days here or there is not fundamental, critical or important when the bill is so poorly constructed.

What is important is that this chamber, like the House of Commons, and as the minister had a duty to do, was to help produce a bill that was worthy of what the government claimed it to be. The government claims that Bill C-2 is the jewel in their

crown. I am here to say that some of the jewels are counterfeit. I hope that counterfeit jewels are not pretending to be Crown jewels, because they are not.

Bill C-2, the federal accountability bill and the grand and noble intentions that were expressed have not been fulfilled. That is what many people voted for, as did I. We were told that change was coming, that a new way of doing business was in the offing.

The next time someone speaks about "Promises kept; promises broken," let us put this one in the broken promises around the question of accountability.

I have been trying to stay out of this debate. Honourable senators know that I am an unusual person in many ways, and that I work hard and I do a lot of work. I spend much time reading. It is something I have done for many, many years. I would even describe myself as an antiquarian, as I burrow out the sources and the thread of the law — something few people do any longer. As a matter of fact, this chamber was once home to great parliamentary authorities, such as John Stewart. It used to be felt that government should cultivate parliamentary authorities in their midst.

A Parliament is not something you can call in a Patrick Monahan to tell you about, or any one of those big names. The parliamentary authorities are always invariably members of Parliament. Even these books by May, Bourinot and some of the greater ones are not the authorities; they are reference books. The authorities are the precedents and the individual members of Parliament speaking definitively on the floors of both chambers.

Honourable senators, the shabby way that this bill has proceeded is not worthy of the Government of Canada. It is not worthy of any government. It shames us all, and it has shamed me in particular, and in a very painful and terrible way.

Honourable senators, I should like to record here a few statements that have shocked me again. The statements I refer to were uttered by the minister responsible for the bill, the Honourable John Baird, President of the Treasury Board.

Honourable senators, Her Majesty's ministers are supposed to comport and deport themselves in a way that communicates majesty. That is what "Her Majesty's minister" means. It means high minded, high sounding, elevated — high. That is what high ministers should be.

Honourable senators, I have been appalled at the language that Minister John Baird has been using — provocative, rude, unparliamentary, unpleasant and vile language. He is not content to disagree. Oh, no, he wants to destroy. It is vile language.

I have one clipping here from the *Montreal Gazette*. About the Senate amendments to the bill, the minister said this — "dead on arrival". It is stated in this article of November 7, 2006:

Liberal senators are holding up the Federal Accountability Act with amendments that, among other things, peg the cap at \$2,000. Treasury Board President John Baird has predicted the amendment would be "dead on arrival."

I repeat: "Dead on arrival." This is language, perhaps, that belongs to the village clown or, perhaps, to a stand-up comic. This is not language that should even be received into this chamber. It is unparliamentary. If any of us had real guts and an affection for the Constitution of this country, we would call it for what it is — vile language.

• (1540)

Here comes another one. This is from a news release from Mr. Baird's office dated October 26, 2006:

We introduced the toughest anti-corruption legislation in Canadian history, which the unelected Liberal-dominated Senate has weakened for partisan purposes.

Not only is it vile, but he also insinuates members and attributes to them dastardly and bastardly motivation. I was raised in the best traditions of British criticism and British self-criticism. You can disagree, but you do not have to denigrate and debase those persons with whom you disagree. Every time you debase, you debase the entire nation. You debase all of the people.

Here comes another quote from the same press release:

"It is disappointing the Liberal-dominated Senate has failed to rise above partisan self-interest to help ensure greater accountability in government for all Canadians," said Minister Baird.

I am disappointed. I am saying "disappointed," but it is beyond that. The point is that these things are not true. I have objected to much that is in Bill C-2. I am not a member of the caucus on the other side. I am not. I have found the prosecution of this bill distasteful, unpleasant and not conducive to what I would describe as social cohesion or the building up of the constitutional system in this country.

Honourable senators, there is a lot that I wish to say, but I do not want to get too personal or revealing. However, I take my work very seriously. I was put here to do a job and I have constitutional duty to do it.

When I read these statements and I read the messaging that the government is doing, what I see is extremely negative, extremely terrible, extremely bad and not worthy.

Besides, honourable senators, the first duty of any government, of any Prime Minister, is to defend and uphold the Constitution. What we have here, quite frankly, is an overthrowing of the Constitution, which I do not support.

Honourable senators, there is much to be said, and I will speak later on in this debate. As I said before —

An Hon. Senator: How many —

Senator Cools: As many times as I wish. If you have something to say, get on your feet and say it. I do not mind. I would be quite happy to respond.

The Hon. the Speaker: I regret that Senator Cools' 15 minutes has elapsed. Does she wish to continue?

Senator Cools: May I ask for more time, please?

The Hon. the Speaker: The senator is asking for leave —

Senator Cools: Let them show their true colours.

An Hon. Senator: Unless the —

Senator Cools: You are goddamn right.

Senator Stratton: Whoops. I demand an apology now.

Senator Cools: Happily, but what did I say wrong?

The Hon. the Speaker: Honourable senators, the Speaker is on his feet.

Senator Corbin: Everybody calm down.

The Hon. the Speaker: Honourable senators, the Honourable Senator Cools has requested an extension of her time. Is leave granted to extend her time?

Some Hon. Senators: Agreed.

Senator Comeau: Honourable senators, earlier this afternoon Senator Cools indicated that once leave was granted to extend her time, she did not accept the premise that there would be a five-minute limit on the extension.

As a result, I am still not prepared to completely drop at this point the provision by which we have been permitting the extra five-minutes. That is why I am reluctant. She herself has said that once we extend the time, it is in fact unlimited. For that reason, unless we have agreement from the senator that the five minutes would be a maximum, I will not be able to agree.

Senator Cools: I think the honourable senator has misrepresented me. What I said —

Senator Prud'homme: Just say "yes" and take your five minutes.

Senator Cools: I am over 60 years of age.

Senator Prud'homme: I know.

Senator Cools: These people seem to believe that we are children. This government believes that we are all children. I have been here too long. I have too much experience.

An Hon. Senator: Order!

The Hon. the Speaker: Honourable senators, our practice in the last two sessions of Parliament has been to extend time for five extra minutes.

Senator Cools: My point earlier today, honourable senators, was to say that if a senator asks the Senate for five minutes extra and senators grant it, that binds them, but not this one individual attempting to dictate without the agreement of the rest. That is what I was saying. Senators can ask for more time. Other senators can agree or disagree.

Senator Comeau: She has not agreed.

Senator Cools: I just agreed.

Senator Stratton: No time.

The Hon. the Speaker: To have very clear, honourable senators, it is the chair's understanding that Senator Cools has requested an additional five minutes. Is leave granted?

Senator Comeau: For five minutes.

Senator Corbin: Agreed.

Senator Cools: Honourable senators, I would like to say that debate is healthy, desirable and should be encouraged. I would like to say that suasion and persuasion are the proper ways of obtaining consensus and agreement.

Honourable senators, I want to drive at one little point. This bill, this message, whatever it is before us — and I contend the message is not before us — brings yet again this notion of a united ethics commissioner before the Senate. I would like to say to honourable senators that there is no such constitutional creature as the government has proposed, being a joint ethics commissioner for the two Houses.

Honourable senators, I submit that the only constitutional creature that exists who can possibly bind and join the two Houses, equipped and embodied and endowed with the total privileges of Parliament, is Her Majesty the Queen.

The people who drafted Bill C-2 have no comprehension of the system of Parliament and do not have any understanding of the law of Parliament or of the law of privilege, which Parliament calls the *lex prerogativa* or the *lex privilegia*.

Honourable senators, the term "commissioner" means a representative of Her Majesty. This is a strange creature. It does not exist constitutionally and should never have been placed before us. Parliament is three separate and distinct parts: the Queen, the Senate and the House of Commons.

I submit that if the Senate and the House of Commons can share an ethics commissioner, they can share a speaker. If they can share that, they can share many other things.

The notion of an officer of Parliament is an artificial and a false one. It really does not exist. Some talk about this, but it is not true. Officers are of one house or the other, but not of both. There can be no high officer who binds and, more importantly, who superintends the conduct of MPs and senators. Members of Parliament have two superintendents only: One is Her Majesty, the legal sovereign; the other is the people of Canada.

• (1550)

What we have here is a bastardization of the British Constitution and of the BNA Act. There is no power whatsoever in the BNA Act to found the concept of a united ethics commissioner. I would even say to honourable senators that there is no constitutional basis to found a commissioner within these halls because the Parliaments long ago drove out what they called for profit Crown servants of Her Majesty from membership in the Houses. It is a bastardization.

I thank you, honourable senators, for your indulgence. I have been disturbed at the deportment of this government and how it has demanded tergiversation. That is one of the things with the old language. To tergiversate is the act of becoming renegades, to force them to do an about-face and to change their minds. It is a terrible thing.

This government is asking senators to tergiversate, to turn their backs on where they stood a year ago. With all due respect to Senator Kinsella, who knows how deeply I hold him in respect, the current Senate Ethics Officer was his personal choice and recommendation that we all adopted. I have found it to be very hurtful and unpleasant to hear government members talk about the Senate ethics officer in the way that they have been.

In any event, honourable senators, I am prepared to see this message go to committee, but I also maintain my position that the message is still not properly before us. It would have been very easy for the Senate to correct the message, but it is still not before us. Intellectually, I am prepared to see the message go to committee, but for procedural reasons, I will be abstaining, because I maintain that this message is still not before us, for the simple reason that it was not put into the record by the Speaker of the Senate. Only the Speaker of the Senate can put it before us for debate.

Hon. Norman K. Atkins: Honourable senators, I stand before you without a text. I have listened to the debates on Bill C-2 and I remind honourable senators that I do not belong to either side. I want to congratulate, in a sense, the work of the committee that brought forward amendments to the bill. The bill was then sent to the House and it has been sent back.

I cannot tell honourable senators how disappointed I am that the government has not added a little water to its wine. It would not be unreasonable for the government to consider the proposals that came from this house. I do not know where it will go from here, but it seems to me, when one deals with a question such as the Ethics Commissioner, it is a no-brainer. The positions should be separate. Yet, we are finding it difficult to have the government consider a reasonable proposition.

When it comes to issues of finance, Senator Stratton says he believes that we must reduce the limit to \$1,000 to eliminate corruption. That is an absolute crock of you-know-what. To have left the limit at \$5,000, with everything in and disclosure, was a reasonable proposition, but that is not the one that was put forward. To raise the limit to \$2,000, maybe that will work.

I do not think anyone here is looking down the road. The current government will not be the government forever. The government will have to live with this legislation.

Senator Comeau: Change it back, then.

Senator Stratton: That is why we are doing it.

Senator Atkins: It seems to me that we have an opportunity to reason with the other side, to discuss and perhaps accept some of the propositions that were brought forward by the committee. The committee worked hard, and I congratulate Senator Oliver and Senator Day for the work that they did. I know it was not easy.

I do not care what the division in the committee was when they brought forward the amendments. They brought them forward, we have sent them to the House and, literally, we have been stonewalled. That is unfortunate. I just wish that there was some opportunity for the government to reassess where they stand and to add a little water to their wine so that we can carry on and do the job we are supposed to do in this place.

Some Hon. Senators: Hear, hear!

Senator Comeau: Honourable senators, I want to join with the many others who have congratulated all members who served on the committee. I served on the committee on a number of occasions and I know how much hard work the members put into it, their passion and their heartfelt beliefs, some of which, on some occasions, I did not agree with. However, I think the debate was approached with a lot of passion, principle and belief.

It is also a pleasure for me to rise today to speak on Senator LeBreton's motion to concur with the other place on the proposed federal accountability act.

Yesterday, our colleague Senator Hays spoke eloquently on the message. As I listened to him, I was struck by the number of times he referred to the government. For example, he said:

This is not to say that all the Senate amendments recommendations were rejected by the government.

He also said:

...consideration given to our work by the government supporters in the other place.

And that:

The government responded in the form of a motion that was debated and amended in that House.

The bottom line of his argument is that the government rejected a large number of the amendments proposed by Liberal senators.

Senator Day's comments yesterday followed along the same line, referring to the message as a government message rather than what it was: a message from the other place. Senator Atkins made the very same comment a few minutes ago, referring to the government placing water in its wine and accepting the amendments proposed by this place.

What they all failed to mention is that in fact the other place includes not only the members of the Conservatives, who are the governing party, but also the Bloc Québécois, the New Democratic Party and, of course, the Liberals. What most people are forgetting is that the other place is not governed by a majority government; it is in fact governed by a minority government.

Whatever the other place sent to us was not sent to us by a majority government. It had to have the consent and support of other parties. What they failed to mention was that in addition to government members, the Bloc Québécois, the New Democratic Party and, once again, the Liberals, all agreed, on division, to reject several amendments proposed by the Liberal senators.

Something else they failed to mention was that it was the elected other place, which includes members from the Conservatives, the Bloc Québécois and the New Democratic Party and — here they are again — the Liberals, who all agreed to reject several amendments proposed by the Liberal senators in this chamber, who, I do not need to remind us, are not elected. It is interesting to note how parliamentarians of all political stripes in the other place worked together and, in fact, cooperated on this bill. Honourable senators, I would like to explain how the bill and amendments were dealt with by the government and the opposition members in the other place.

• (1600)

The motion put to the members by the President of the Treasury Board had three lists of amendments. One was a list of amendments on which they all agreed, the second was a list on which they disagreed and the third was a list on which changes were sought. The opposition party then had the opportunity to move its own motions to change the wording on the various amendments, thus moving some amendments from the “agreed” to the “disagreed” category and some from the “disagreed” to the “agreed” category.

In the vast majority of cases, opposition members chose not to do so. For example, there was no attempt to change from “disagree” to “agree” the motions respecting Senate amendment 2, which would weaken the Conflict of Interest Act by removing the prohibition on public office-holders who have duties with respect to the House or the Senate, or their families, from contracting with the House or the Senate.

As well, there was no any attempt to change from “disagree” to “agree” the government motion concerning amendments 4, 5, 8, 9, 11, 12 and 15, which would undermine the ability of public office-holders to discharge their duties. No attempt was made to alter the motion to disagree with amendments 6, 28, 30 and 31, which would weaken the Conflict of Interest Act. We can assume that, since no attempt was made to change from “disagree” to “agree” the working of amendments 7, 10 and 14, all the members of the other place agreed that these provisions are inappropriate intrusions into the private lives of public office-holder. This is not the government; this is the whole House, the other place.

The message reads:

Amendments 18, 23 and 24 would undermine the capacity of the Prime Minister to discipline ministers and maintain the integrity of the Ministry by eliminating the ability of the Prime Minister to seek “confidential advice” from the Conflict of Interest and Ethics Commissioner with respect to specific public office holders;

There was no attempt to switch the motion to read “agree with” from “disagree with.”

Again, there was no attempt to have the motion endorse amendment 19, which the motion notes would deter the public from bringing matters to the attention of the conflict of interest and ethics commissioner through a member of either House, create unfairness to individuals who are subject to complaints whose merits have not been substantiated and undermine the commissioner’s investigatory capacity.

The House message says:

Amendments 20 and 22 would prohibit the Conflict of Interest and Ethics Commissioner from issuing a public report where the request for an examination was frivolous, vexatious or otherwise without basis thereby reducing transparency and requiring a public office holder who has been exonerated to publicize on his or her own a ruling to clear his or her name;

No attempt was made to alter the motion.

There was no attempt on the part of any party to endorse Senate amendments 68 and 69 to increase the proposed contribution limits. The same is true of the opposition to amendment 71, which the message states would undermine the capacity of the Commissioner of Elections to investigate alleged offences under the Canada Elections Act, and of amendments 80 and 89, which the message says would undermine the authority of the Commissioner of Lobbying.

No attempt was made to challenge the opposition to amendment 83, which the motion in the other place said would seriously weaken the scope of the five-year prohibition on lobbying, or amendment 85, which the motion says would create significant uncertainty in the private sector and create inappropriate incentives for corporations to prefer consultant lobbyists over in-house lobbyists.

Presumably, since no attempt was made to have the Commons agree with amendments 88 and 90, all parties in that place accept the argument that those provisions duplicate provisions of section 80.

Then there is the Commons opposition to amendments 92 and 113(a), which the message said would technically mean that the Auditor General and the Office of the Commissioner of Official Languages could not be brought under the Access to Information Act until the commissioner of lobbying is brought into existence. No attempt was made to change this.

There was no attempt to change from “disagree” to “agree” the message’s rejection of amendment 96, which proposed to undermine the merit-based system of employment in the public service by continuing to unfairly protect the priority status of exempt staff.

Honourable senators, I could go on, but I think you get the picture. I will simply state that there was also no attempt to change the message to read “agree” from “disagree” with amendments 100, 101, 107 to 110, 113(b), 115, 116, 120, 128 to 133, 136 to 143, 145, 147 to 151, and 154 to 155. Here as well we find the text of the motion full of words such as “undermine the objectives,” “seriously weaken,” “unnecessarily complicate” and “increase the risk.”

There were a limited number of cases where opposition members opposed the position of the President of the Treasury Board. These cases include support for separate ethics officer, call for the disclosure of draft audit reports, continued exemption from access to information for the Canadian Wheat Board, and opposition to the motion’s attempt to clarify the law as it applies to convention expenses.

That is when things became really interesting in the multi-party elected chamber. The Bloc Québécois introduced a subamendment to delete sections relating to the Senate Ethics Office and the Canadian Wheat Board. It passed by a vote of 163 to 111. The Conservatives and the Bloc Québécois voted in favour of the subamendment while the Liberals and the NDP voted against it. The Liberal amendment respecting access to information was defeated by a vote of 128 to 146, with the Conservatives voting against it and the Liberals and the Bloc Québécois supporting it.

The Liberal amendment respecting convention fees passed by a vote of 155 to 119. In this case, the Conservatives voted against it while the Liberals, the Bloc Québécois and the NDP voted in favour of it.

Finally, the government's motion respecting Senate amendments, as amended of course, was then adopted on division. The elected chamber in our bicameral Westminster Parliament, expressing the voice of the people who put their representatives there, had spoken clearly.

I fail to understand why honourable senators in this chamber now choose to do battle with elected parliamentarians. I also fail to understand why the senators on the other side are doing battle with the elected Liberal members of Parliament, their own colleagues, who choose to support the bill as it is before us. I can only surmise some remnant of a bi-gone era is lingering in the air, possibly a Martin-Chrétien legacy that causes them to forget that the days of receiving the entitlements to which they are entitled are over — at least they will be over when this bill finally is passed. Maybe they neglected to read the Gomery report, with all its indictments against the unaccountable Liberal regime.

For whatever reason, Liberal senators are choosing to play their political games, and I say enough is enough. It is time for accountable government in Canada. Canadians have chosen this through their elected members of Parliament of both the government and the opposition party. The government is not a majority government. If the House of Commons wishes to speak, we should respect what they say.

Having said that, I know that some individuals want to send this bill back to the Standing Senate Committee on Legal and Constitutional Affairs. With that in mind, we will agree to send it to that committee. Therefore, I move:

That that the message be amended by adding the following paragraph after the words "consideration and report":

And that the committee submit its report no later than December 7, 2006.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Cools: Your Honour, if this had been a report, I would want to abstain, on principle.

• (1610)

The Hon. the Speaker: Senator Cools is abstaining. This brings us then, honourable senators, to the motion in amendment by Senator Hays. Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Hays, seconded by the Honourable Senator Day, that the motion, together with the message from the House of Commons on the same subject dated November 21, 2006, be referred to the Standing Senate Committee on Legal and Constitutional Affairs for consideration and report.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Marcel Prud'homme: Often, an honourable senator will say that he or she did not intend to speak on a matter but does, so I will not say that I did not intend to speak.

I attended a few of the committee meetings on the accountability bill. I watched and read everything with respect to Bill C-2, because I am interested in the Senate's work on this issue. I hope I speak to friends. If I disagree with some honourable senators, I hope they will not take it personally.

I am not a member of the group of people who mind battling with the House of Commons on certain issues. However, I am ready to bow out on most of the issues if the House of Commons does not agree with the Senate. Nevertheless, while I was listening, two points came to mind that I should like to bring to your attention.

At first, we were told that the bill that came from the House was perfect. Therefore, I said, I can live with that. However, in their wisdom, the House of Commons has decided to accept some amendments. Some call them minor, some say it is only housekeeping; nonetheless, the House of Commons did accept some of the views of the Senate. That means the bill was amendable.

Regardless of the views of the House of Commons toward the Senate — and we know what those views are — the House still accepted amendments from the Senate. That means the House of Commons was agreeable to saying that the bill was not perfect. That is argument number one.

Argument number two is the following: Changes were made, as I said; some were accepted as minor — fine. My friend, for whom I have immense respect, Senator Atkins, has raised a question of the money. That is a subject that I can speak on for hours — but I will not, because I am not in the shape that I should be in.

I ran for elected office 10 times, but I chose not to run following the tenth time, even though I was already an elected candidate for the Liberal Party of Canada. I do not know how candidates raise money to get elected, how parties raise money or how money is raised for conventions. I have my way.

Never in the 10 times that I ran for elected office did I receive \$5,000. The maximum I received on a couple of occasions was \$1,000, donated by family and friends who were close to me,

because I was always afraid to raise money. I was always, sadly, almost kicked by the so-called "higher authorities." I never recognized such a thing, being Marcel Prud'homme. I could have been one of the best fundraisers, but I never went that way.

I thought \$1,000 limit would be acceptable. The House of Commons decided to increase that to \$2,000. Some here wanted \$5,000, those in the government wanted \$1,000 — they came to the figure of \$2,000. Personally, I can live with that. I think political parties will have to become more democratic at the lower level; if it is good for some, it should be good for everybody — the Bloc included.

Now we are celebrating the great debate on Quebec being a nation — a notion that I reject totally. I know who I am and I do not need a crutch to know that I am different, coming from Quebec.

The only place where I think common minds should prevail — and I am now speaking to the Liberals and the Conservatives, because we know the Bloc's views of the Senate, and we know that the NDP is against the Senate, so I will forget these two parties. Let us see a reasonable amendment by my friend, Senator Comeau, to send this back to the committee.

If good minds could prevail, I would suggest a certain echelon — the friendship echelon, the humanistic echelon, the private echelon, where more than just conversations could take place, where there would be some accommodation between the two major parties, where reason would prevail.

There is one place that I am not comfortable — namely, the ethics question, which was so well expressed by Senator Cools and many people. I went on television and the reaction I received was good. The problem with public opinion is in not knowing. I will give you an example.

Last night, in Bogotá, while our plane was on the tarmac, one tire exploded. Of course, everybody was nervous on the plane, and rightly so. Having one tire blow up just before take-off created a commotion. We were about to embark on a six-hour trip.

We were finally told that there is no problem now, only when we arrive in Toronto, even though the plane was shaking. It was a terrible experience. Why? It is the not knowing what was happening.

Reasonable explanations can be defended. Only extravagant people will not accept a good, reasonable explanation. Complementing what others have said, we will have a new ethics commissioner. One, what will be his or her task? Now, I am a practical man. That one commissioner, who will know everyone's secrets, will have to deal with more than 300 members of the House of Commons, 3,000 to 4,000 Order-in-Council staff to administer and then 100 senators. We know that the Order-in-Council staff come and go. We know that the 300 members in the House of Commons — many of us were there, Senator Comeau — come and go. That is a lot of work.

Senators have more stability and, therefore, much less problems to administer. I do not take the principled side, as my colleague

Senator Cools did; I take the practical side, defending the integrity of the Senate and everything else. There is less instability in the Senate, as we know it. Once we have made our declaration, with which I agree, then it becomes a very low expense.

I have asked that. I went to the committee. I knew the figure — I can read the report — but I wanted it to go on television to discuss our ethics commissioner. It costs no more than \$700,000, with a very limited staff, to start a new organization, a new bureaucracy. Now that it is settled, it will go much lower, because we have all declared — and unless the world trembles, we repeat mostly the same report. That would take care of the Senate.

It is the only place where the House of Commons can show some flexibility and less arrogance, some of them, toward the Senate.

• (1620)

If possible, between now and December 7, perhaps the majority on the committee could concentrate their energy and not insist on keeping the bill totally as it is. Perhaps they can find one or two places where the Senate could say, "Well, on second thought, it makes sense."

Everyone has been explaining what the Ethics Commissioner is and what his responsibilities are. I can tell you what will happen. I am convinced that the job of this one Ethics Commissioner will be so big that he will delegate his authority to a lower echelon. Why do you think it would only be the Ethics Commissioner who is responsible? He will have such a heavy burden on his shoulders trying to administer 3,000 or 4,000 Orders-in-Council. I stand to be corrected if I am wrong. There are over 300 members in the house and only 105 members of the Senate, and that represents very little work. That is why we should keep the separation of the House and the Senate. That is my contribution. I could go on, but I will stick to what I am suggesting.

I hope intelligence will prevail between the two major parties. I forget about the other two. Do not ask the Bloc, because they want to destroy Canada. I do not know why they should insist on talking about the monarchy. They do not want this country. I do not know why they insist on bona fide bills, because if you have a bona fide Canada, it proves their existence is null and void. I like the logic of it.

I will stop there and not lose my main argument. I can live with the \$2,000 restriction, I assure you. I could have even lived very well with \$1,000, because it will force parties to democratize, and I will not insist on returning to the old days. The \$2,000 is acceptable, but try to find what can be done on the Ethics Commissioner issue.

Some Hon. Senators: Hear, hear.

REFERRED TO COMMITTEE

The Hon. the Speaker: Are honourable senators ready for the question?

It was moved by Senator Hays, seconded by Senator Day —

Some Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, we are on the motion of Senator Hays, amended by the sub-amendment that we have just adopted, seconded by Senator Day, that the motion together with the message from the House of Commons on the same subject dated November 21, 2006 be referred to the Standing Senate Committee on Legal and Constitutional Affairs for consideration and report. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: For clarification, the adoption of Senator Hays's motion in amendment as amended by the sub-amendment means that the message now, by order of the house, has been referred to the committee. I do not need to put forward the motion of Senator LeBreton.

On motion of Senator Hays, as amended, motion for concurrence and message referred to Standing Senate Committee on Legal and Constitutional Affairs.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before moving to the next item, I draw the attention of all honourable senators to the presence in the gallery of Ms. Gloria Kovach, President of the Federation of Canadian Municipalities. We welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

TAX CONVENTIONS IMPLEMENTATION BILL, 2006

THIRD READING

Hon. W. David Angus moved third reading of Bill S-5, to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

He said: Honourable senators, I rise today to speak at third reading of Bill S-5, an act to implement conventions and protocols concluded between Canada with Finland, Mexico, and Korea for the avoidance of double tax and fiscal evasion with respect to income taxes, also known as the 2006 tax conventions implementation bill.

Bill S-5 would implement updated versions of three previously existing tax treaties between Canada and Finland, Mexico and South Korea. These new treaties are the fruit of important negotiations and bilateral arrangements between Canada and the said three countries in order to ensure that the updated tax treaties are consistent not only with current Canadian tax policy but also with contemporary custom and practice for such treaties.

Honourable senators, the essential rationale for tax treaties is twofold: one, to remove barriers to international trade and investment, most notably as regards the double taxation of income, and two, to obviate tax evasion by encouraging

cooperation between Canada's tax authorities and those in other countries.

Honourable senators, let me briefly expand on these two important treaty objectives. Removing barriers to international trade and investment is a high priority for Canada and its trading partners in today's global economy. Updated tax treaties, like those to be implemented in Bill S-5, have a significant role in reducing such barriers and in fostering a healthy business environment. Updated tax treaties are a clear sign of the stability of our economy and the consistency of Canada's tax treatment. They help to create a secure, fair and stable environment for foreign investors and for direct foreign investment in this country. Equally important, they permit Canadians with commercial interests abroad to also operate under fair and consistent foreign tax treatment.

The Standing Senate Committee on Banking, Trade and Commerce recently studied this bill and has reported it to this chamber without amendment. At committee, Ms. Diane Ablonczy, Parliamentary Secretary to the Minister of Finance, advised senators that tax treaties generally have two general methods of alleviating the possibility of double tax. She and her officials from Finance Canada explained to the committee that in some cases the exclusive right to tax particular income is granted to the state where the taxpayer resides. In other instances, taxing power is shared between contracting states.

As a general rule, the state where a taxpayer resides has the exclusive right to tax a resident when the commercial activity in question is short term. For example, in respect to a three-month employment term for a Canadian individual working in another country, the Canadian tax treatment of such an individual simply continues on as usual. On the contrary, if a Canadian citizen is employed abroad for a longer period, then the state where he or she works may tax employment income. In such cases, the treaties generally grant Canadians a credit for the tax paid in the other state against any Canadian tax that would otherwise be payable.

Another way to reduce the potential for double tax is to reduce withholding taxes, a common feature in international tax conventions.

• (1630)

Ms. Ablonczy explained to the Banking Committee that withholding taxes are levied by a state on certain items of income arising in that state and paid to residents of another state. The types of income normally subjected to these withholding taxes include interest, dividends and royalties. Withholding taxes are levied on the gross amounts paid to non-residents, and they generally represent their final and only obligations with respect to Canadian tax.

The treaties to be implemented by Bill S-5 provide for a maximum withholding tax rate of 15 per cent on portfolio dividends paid to non-resident investors in Canada. For dividends paid by subsidiaries to their foreign parent companies, the maximum withholding rate is being reduced to 5 per cent. Withholding tax rate reductions will also apply to royalty interests and pension payments. Each treaty covered by Bill S-5 caps a maximum withholding tax rate on interest and royalty payments at 10 per cent, which is in keeping with current trends and contemporary Canadian tax policy.

Regarding the prevention of evasion of income taxes, the tax treaties provide for consultation and information to be exchanged between Canada and its authorities and the foreign states in question. Without such treaties, Canadians could well be liable to pay more tax than they should, and they could be subject to unfair treatment under the foreign state's tax regime.

The privacy rights of Canadian citizens were raised during committee proceedings. Honourable senators were assured by officials from the Department of Finance that only appropriate non-invasive information will be shared between the revenue authorities of Canada and the contracting states.

Honourable senators, the committee also was also assured by these officials that Bill S-5 is not controversial and that it does not represent any new or material change in policy other than as mentioned regarding the withholding taxes. We were also advised that the updated treaties are all modeled on the model tax convention of the Organisation for Economic Co-operation and Development, which is today generally accepted in the trading community. Therefore, I am comforted that these treaties comply fully with modern international standards.

Honourable senators, the updates reflected in Bill S-5 would come into effect on a calendar year basis, either January 1, 2007 or January 1, 2008. Both Canada and the three other states involved, as well as their respective commercial stakeholders, wish these treaties to be effective as of January 1, 2007. There is thus a reasonable measure of urgency in passing this bill through Parliament.

We are given to understand that the parliamentary processes in Finland, Mexico and South Korea are all going smoothly with respect to implementation of these treaties there, and they are expected to have the proper legislation in place before the end of this current year. Hopefully we Canadians will follow suit.

To conclude, I would like to emphasize the importance of foreign direct investment in Canada. Statistics Canada recently reported on September 14, 2006, that:

Foreign direct investment in Canada increased by \$7.5 billion to \$433.8 billion at the end of the second quarter of 2006. And of this total, direct investments from the United States, our greatest trading partner, amounted to \$276.7 billion.

Honourable senators, Canada is a trading and export nation. Our economic welfare depends to a large extent on our ability to attract direct foreign investment. Tax treaties such as those involved with Bill S-5 appeal to foreign multinational companies and other foreign investors and attract them to do business in Canada under our safe, stable and just economic environment.

Accordingly, honourable senators, I urge all of us to support Bill S-5 and to pass expeditiously this important piece of legislation and send it to the other place for similar treatment.

Hon. Wilfred P. Moore: Honourable senators, the Standing Senate Committee on Banking, Trade and Commerce did a close canvassing of the provisions of this bill. It was interesting in the evidence that was given by departmental officials that we still do not have such a tax treaty with our heaviest trading partner, the

United States. Negotiations have been going on for some eight years. I am hoping that will be concluded sooner rather than later. However, the points made by Senator Angus with respect to the advancement of this treaty and the countries that are party to it and the benefits that it will bring to our country are worth supporting.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Johnson, for the second reading of Bill C-16, to amend the Canada Elections Act.

Hon. James S. Cowan: Honourable senators, I am pleased to rise to speak to Bill C-16, to amend the Canada Elections Act by providing for fixed election dates.

Let me say at the beginning that there will be considerable support for the concept of fixed election dates on this side of the chamber. Adding predictability and consistency to election timing is a worthy objective and all of us would wish to support that objective.

I would like to express my appreciation for the work done on this legislation in the other place and particularly for the contributions made by the Honourable Stephen Owen, member for Vancouver Quadra. The evidence and examinations made there will serve us well as we move ahead in our consideration of this bill in the Senate.

As we know, systems of fixed date elections have been established in British Columbia, Newfoundland and Labrador, and in Ontario. British Columbia's most recent election was administered under its fixed date system, and we can learn from their experience as we undertake examination of this legislation.

While these systems are present in three Canadian jurisdictions, fixed date elections are more commonly a hallmark of governance systems like those found in the United States, Mexico and other federal republics. The concept is rarely, and only recently, to be found in Westminster-style parliamentary democracies like Canada. In law, Parliament can be dissolved at any time by the Governor General and this bill preserves that prerogative. Therefore, making fixed date elections a reality in this country may require more than is provided in this bill and may require altering the powers of the Governor General. That would mean opening up and changing our Constitution.

That said, we must look carefully at the constitutionality of this bill. Yesterday Senators Joyal and Grafstein both raised valid and important points as to the apparent conflict between Bill C-16 and section 50 of the Constitution Act, 1867, and section 4 of the Charter.

As was pointed out yesterday, section 50 of the Constitution Act, 1867 provides as follows:

Every House of Commons shall continue for Five Years from the Day of the Return of the Writs for choosing the House (subject to being sooner dissolved by the Governor General), and no longer.

On the face of it to me, the provisions of Bill C-16 would appear to conflict with that section of our Constitution. If we are satisfied that the bill does not offend either the Constitution Act or the Charter, we can then proceed to consider the intent and objective of this legislation. It is clear that one of the primary purposes of Bill C-16 is to limit the power of the Prime Minister to manipulate the timing of an election for political and partisan purposes. If that is the motivation for this bill, then we really have to consider whether or not that objective is being met by the wording of the bill.

I would suggest that the bill falls short of this objective, and if that is what we want to try to do, we should look at ways to improve the legislation.

In particular, the lack of a clear definition as to what constitutes a vote of confidence is troubling, and we should perhaps use the opportunity we have as senators to bring such a definition into the bill.

This is important, honourable senators, because while it is easy to see how this legislation could work quite well in a majority government situation, it is not so clear to me how it would work in the context of minority Parliaments where the stability of Parliament is subject to votes of confidence and non-confidence. That, it appears, is the nature of the political world in which we live at the present time.

• (1640)

While we seek to limit the power of a prime minister in manipulating election dates, we must also consider when it is legitimate for Parliament to be dissolved and a new mandate sought. For example, between elections, a sitting prime minister may, for any one of a number of reasons, resign his or her duties and a new prime minister would be chosen from the governing party. Is it in the best interests of our parliamentary democracy and our country to prevent that new leader from seeking a fresh mandate? Although our Prime Minister is not directly elected to that position, we know that the popularity of party leaders plays an important role in electoral politics in this country, and that is something that we need to look at as we consider Bill C-16.

It has been stated that greater efficiency in election administration, higher voter turnout and higher rates of participation by those who are currently under-represented in Parliament, will be beneficial by-products of fixed election dates. While these are laudable objectives, we should carefully examine the evidence before we jump to these conclusions.

In her testimony before the committee in the other place, Ms. Linda Johnson, British Columbia's Deputy Chief Electoral Officer, said, with respect to the suggestion that savings result from a fixed-election-date system, that in her experience and in her opinion such savings were minor in the whole context of election costs. Ms. Johnson went on to say that British Columbia did not see an increase in female candidacy in its most recent election — the first election, as I said, that was administered under fixed-date rules. These issues are important and we should look carefully at them in committee.

There are other issues that need to be looked at as well. Fixed election dates might have some benefits, such as improved electors lists and other efficiencies for Elections Canada. Senator Mercer referred yesterday to those points. It could also lead to difficulties, such as the fact that the advanced poll, as I read this bill, would fall on the Thanksgiving Day weekend if the proposed legislation were passed in its current form. Whether that is desirable in encouraging greater voter turnout is questionable, in my view. The legislation could lead to higher voter turnout or could result in longer, therefore more expensive, election campaigns and voter fatigue.

Honourable senators, these "coulds," "what ifs," and "maybes" give rise to uncertainty as to the effects of Bill C-16 — to repeat that overworked or oft-used phrase "the law of unintended consequences." That is why it is important that we work together to examine and improve this bill to provide the best environment for all Canadians to exercise their democratic rights and fulfil their civic duties. I look forward to working with honourable senators on both sides of this chamber to achieve this end.

[Translation]

The Hon. the Acting Speaker: I must inform the honourable senators that if Senator Di Nino speaks at this point, it will have the effect of closing the debate on this bill.

[English]

Hon. Consiglio Di Nino: Honourable senators, first, let me thank and congratulate Senator Cowan on his remarks. Although I covered some of the questions that he raised during my presentation, I look forward to further examination of those points during committee and during debate. Honourable senators, I should like to return to an issue that was raised during debate on Bill C-16 on Tuesday, November 21.

Senator Joyal argued that if Bill C-16 were enacted we would be:

...changing section 50 of the Constitution and section 4 of the Canadian Charter of Rights and Freedoms because we would reduce the maximum life of Parliament to four years while both in section 50 of the Constitution and section 4 of the Charter of Rights and Freedoms the maximum life of the House of Commons is five years.

After the debate, I sought and received opinions on this issue. I trust I can add some value and be helpful in the deliberation of this bill. Accordingly, I should like to address this important issue raised by Senator Joyal and others, including Senator Cowan today. I have been assured that Bill C-16 in no way contravenes section 50 of the Constitution Act, 1867, or section 4 of the Canadian Charter of Rights and Freedoms. These two sections

contain provisions that are similar in scope, purpose and effect in relation to the House of Commons. Section 50 of the Constitution Act, 1867, provides that the life of a House of Commons is five years and no longer, but expressly preserves the Governor General's power to dissolve the House sooner than that. Section 4 of the Charter creates a maximum term of five years for the House of Commons and provincial legislative assemblies.

These provisions ensure that, barring an emergency, no House of Commons will continue for longer than five years. Their eminent purpose is to guarantee that there will be elections of the House at least every five years. This intent in the constitutional maximum provided by these sections is respected by Bill C-16. Nothing in the bill in any way impairs or contravenes the five-year limit. Quite the opposite: The bill works within the constitutional limit contemplating that elections will be held every four years.

The Constitution does not require that the House of Commons continue for as long as five years, as constitutional scholar Peter Hogg notes in his treatise on constitutional law of Canada. He states: "the five-year period (provided by the Constitution) is a maximum term, not a fixed term."

Indeed, honourable senators, section 50 makes it clear that the Governor General retains the ability to dissolve the House at any time sooner than its five-year maximum life. The Constitution does not require or even create the expectation that the House of Commons will actually continue for a full five years. Bill C-16, which contemplates that elections be held every four years, contravenes no constitutional requirement or expectations of a longer term. Bill C-16 expressly preserves the Governor General's powers. The bill makes it clear that nothing in it affects those powers, including the power to dissolve Parliament at the Governor General's discretion.

The Governor General's powers remain those that are held under the Constitution, to dissolve Parliament at any time within the five-year constitutional limit. However, by providing that elections are to be held every four years in October, the bill establishes a statutory expectation that the relative political and administrative officers will govern themselves accordingly to accomplish that end, working within the rules and conventions of Parliament and responsible government. The aim of the bill is to ensure, to the extent possible within the framework of our constitutional system, that the date on which an election will be held may be known in advance, thereby enhancing fairness, transparency, predictability, efficiency and forward planning.

In summary, honourable senators, Bill C-16 respects both the purpose and the provisions of section 50 of the Constitution Act, 1867, and section 4 of the Charter of Rights and Freedoms. It does not affect the maximum term for the life of a Parliament. It does not contravene this maximum. By providing that, subject to the discretion of the Governor General, elections would be called at four-year intervals within that maximum period, the bill will give rise to reasonable expectations of regular and certain election dates. This will not only respect the Constitution but also will enhance the quality of our parliamentary democracy.

In closing, honourable senators, I look forward to further examination and debate on this and all other provisions of Bill C-16 at committee, including those that my colleague and friend Senator Cowan raised today.

The Hon. the Acting Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Di Nino, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

• (1650)

PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT INCOME TAX ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. W. David Angus moved second reading of Bill C-25, to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act.

He said: Honourable senators, it is now my pleasure to introduce Bill C-25 at second reading. This bill deals with the proceeds of crime and illicit financing of terrorist activities. It is an important piece of legislation. In doing so, I would refer to the remarks I made here on October 31 and to the interim report of the Standing Senate Committee on Banking, Trade and Commerce tabled here last month entitled *Stemming the Flow of Illicit Money: A Priority for Canada*.

Honourable senators, I would suggest that when this matter gets to committee, all of these matters be read together, as they deal with the same subject matter.

Bill C-25 contains the necessary updated measures to help in Canada's fight against money laundering and terrorist financing activities and to enable Canada to honour its international commitments. As honourable senators can imagine, criminals today are very much aware of the sophisticated and fast-changing technological devices available to them. As Senator Grafstein has repeated so often in this chamber, the criminal mind is very ingenious and is always at work to undermine our safety and security.

Criminals know how to use these technological advances in their attempts to conceal and launder their so-called dirty money, often through legitimate or apparently legitimate financial systems. That was never more evident to us than yesterday when a whole coalition of law enforcement bodies in this country joined together after a four-year study on the infiltration of these criminal elements to make 92 arrests in Montreal and its environs. They reportedly have reams of evidence that will enable them to

break up one of the most powerful criminal organizations in this country, including at the airport, the ports and many other spots.

Honourable senators, to make detection more difficult, these criminals are constantly changing their tactics in an effort to avoid being caught. Therefore, we must keep our legislation, regulations and detection devices up to date.

Honourable senators, it is our challenge today, as legislators, to ensure that Canada's enforcement agencies have the tools to stay at least one step ahead of these criminal elements.

Indeed, the new government has made this fight a priority, and important steps have already been taken in this regard. For example, Budget 2006 announced \$64 million of new funding to enhance and back up the work being done by law enforcement agencies. This new funding will also help ensure the safety and security of Canadians at large.

Honourable senators, Bill C-25 complements these actions with important new provisions designed to ensure that Canada's anti-money laundering and anti-terrorist financing regime is able to address properly the areas of risk. More important, given that the fight against money laundering and anti-terrorist financing goes far beyond our borders, we must ensure that Canada's legislation also meets revised international standards and that cooperative efforts be taken in this area.

I believe Bill C-25 goes a long way toward providing these assurances, but we should not underestimate the effects of money laundering and terrorist financing. As we said in our remarks on October 31, whether the amount of illicit money in circulation in Canada today is \$10 billion or \$30 billion or more, we do know that it is an astounding amount of money, and the figure of \$30 billion has been used by some of our law enforcement people when they appeared before our committee. Money laundering and terrorist financing have the real potential to seriously affect Canada's economy in a negative way by impacting the integrity of our financial institutions and undermining the reputation of Canada's heretofore renowned financial sector as a whole. Honourable senators, we must not allow that to happen.

I earnestly believe that Canadians trust their financial institutions — at least up to now they have — and they have every reason to do so. Our banking and financial services are exemplary and are looked up to around the world. However, Canadians must also be able to trust their government to ensure that our financial sector is well regulated on an ongoing basis and protected from these evil criminal elements. A healthy financial system is critical to our country's ability to attract investment so that it can increase and sustain overall economic growth and productivity.

Honourable senators, Canada's anti-money laundering and anti-terrorist financing regime is recognized in the global economic community as robust. Our legislation is helping to ensure that Canada is not a haven for money laundering and terrorist financing activities. At the heart of Canada's anti-money laundering and anti-terrorist financing regime is the Financial Transactions and Reports Analysis Centre for Canada, otherwise known as FINTRAC. This is Canada's financial intelligence unit, a specialized agency created in the first iteration of this particular legislation, the Proceeds of Crime (Money Laundering) Terrorist

Financing Act. FINTRAC is designed to collect, analyze and disclose financial information and intelligence of suspected money laundering and the financing of terrorist activities. It was created in July of 2000.

FINTRAC is an integral part of our engagement in the global fight against money laundering and financing of terrorism. The centre was created to detect and deter money laundering by providing critical information to support the investigation and/or prosecution of money laundering offences.

In 2001, FINTRAC's mandate was expanded to include the detection and deterrence of terrorist financing. Canada has subsequently had success in detecting suspected cases of money laundering and terrorist financing in the intervening period. An important part of this success has been our commitment to continue to work cooperatively and closely with our domestic and international partners to improve the regime. That work appears to be paying off.

In 2005-06, reporting entities — that is, entities that are required legally to report to FINTRAC — filed upwards of 30,000 suspicious transaction reports with FINTRAC. FINTRAC, in turn, made 168 case disclosures to law enforcement agencies such as the RCMP and CSIS.

Honourable senators, our new government is committed to helping FINTRAC do its job by maintaining a strong and comprehensive anti-money laundering and anti-terrorism financing regime consistent with international standards. That is what makes Bill C-25 so important. It is a bill that requires enactment on an urgent basis. The bill updates the current legislation so that it meets the necessary criteria that Canada has already agreed in an international forum to adopt.

• (1700)

Honourable senators, allow me to briefly outline the key components of this bill. The Financial Action Task Force, or FATF, to which Canada belongs and at the moment chairs, is the international standard-setting body on money laundering and anti-terrorist financing.

I will come back to FATF shortly, but let me say for the moment that the measures in Bill C-25 will update our anti-money laundering and anti-terrorist financing regime to be consistent with international standards as set out by and as continually updated by FATF and agreed to by all of its member states.

I would also stress that Bill C-25 will implement many of the recommendations contained in our recent report to which I just referred, *Stemming the Flow of Illicit Money: A Priority for Canada*. Without being too repetitive, as I mentioned on October 31, we were in the midst of doing a statutory review of the predecessor legislation on money laundering when we found out that this updating bill was in the pipeline. We noted that we had all this evidence and all of the recommendations from our report. We believed it would be unfortunate if the government were to proceed with a memorandum to cabinet in this new bill without the benefit of our recommendation. That is why, as I said on another occasion, our report became an interim report. It went forward, and we are assured by the officials and by in fact the

Minister of Finance, Mr. Flaherty, that our recommendations were all taken into consideration and indeed incorporated into the bill, I believe without exception. That is encouraging in terms of the work we do in this place.

An important element of the new measures set out in the bill relates to the sharing of information among enforcement agencies. For example, Bill C-25 proposes to allow the exchange of information between FINTRAC, the Canada Revenue Agency and various law enforcement agencies such as the RCMP, to prevent, detect and disband those registered charities that it has been discovered are being used illegally for the financing of terrorism. That is just one example.

I indicated earlier how the fight against money laundering and anti-terrorist financing several years ago moved on to the global stage. In this regard, Bill C-25 also proposes to allow the sharing of information between FINTRAC and its foreign counterparts regarding compliance-related information.

One of the difficulties encountered by FINTRAC in its initial years has been how to identify and supervise compliance within the unregulated money service businesses and foreign exchange boutiques. I also mentioned that the other day I walked along Ste-Catherine Street in Montreal two Sundays ago and counted 13 tiny boutiques, each not much more than 10 square feet in size, and they were carrying on what they call money exchanging services. They are growing up like Topsy all over Canada. They are unregistered and unregulated. No one knows officially what they do, but we are told they are an integral part of this international fraudulent activity.

Bill C-25 addresses this problem by proposing to establish a new registration and oversight regime for these businesses. This new regime will provide FINTRAC with an important tool to better ensure that these businesses are aware of their obligations and allow FINTRAC to more effectively and efficiently supervise compliance. Coupled with the registration requirement, a new offence is being created under the bill for operating an unregistered money services business. Current legislation only allows for criminal penalties if the act is contravened.

Bill C-25 establishes a variety of monetary penalties, and I am not sure why they distinguish monetary from criminal, but in any event it is a different type of sanction in addition to those existing criminal sanctions, imprisonment and so on, that are in the earlier act. These will allow FINTRAC to impose graduated penalties that will adequately reflect the nature of the violations that they uncover.

These new monetary penalties, for example, will be used for lesser contraventions of the legislation.

To help FINTRAC do its work effectively, Bill C-25 places the onus on financial intermediaries to improve their client identification and record-keeping measures. These intermediaries will also be required to undertake enhanced measures with respect to the banking relationships of certain high-profile clients. This would include, for example, foreign politically exposed persons. The reporting of suspicious attempted transactions will also be required. That is "suspicious attempted," as opposed to transactions identified as such.

Honourable senators, both the Auditor General and law enforcement agencies in Canada have identified the exclusion of

legal counsel or law firms from the money laundering and terrorist financing regime as a gap in the legislation. Under the previous law, lawyers, like many other financial organizations, were required to report these transactions. We were told in committee that it was suspect; it violated the Charter; it impinged on the solicitor-client privilege; that it would be struck down by the courts and there should be another way to go. The bill was passed as such, with the lawyers' provisions in it. The legal profession challenged it, first in British Columbia, then in Saskatchewan, and ultimately there was a moratorium. The courts put everything into suspense. There was an agreement with the Federation of Law Societies of Canada. This federation has been negotiating with the Department of Finance to come to some way around it. Therefore, the old provisions regarding lawyers have been left out of the bill. This concerned us when we were doing our review because we realized that there was a lacuna or a loophole.

What is in this bill is a proposal that legal counsel be required to undertake client identification and record-keeping measures when acting as financial intermediaries as opposed to lawyers. These measures complement the measures already in place that prohibit the receipt of cash over \$7,500 by legal counsel. This provision is enforced through provincial and territorial law society rules of professional conduct.

These measures respect the Supreme Court of Canada's *Lavallée* decision, which sets out clear procedures to allow authorities to access certain documents from the possession of lawyers.

I want to conclude this part of my remarks by saying that I am not that comfortable that we fully understand how the lawyers are being dealt with. We have already taken steps such that if, as and when this chamber sees fit to refer this bill to the Banking Committee, we will have witnesses come and explain and table the agreement that has been made with the legal profession. When the committee went to New York, we met with the district attorney's office of Manhattan. They said, "We are dealing all the time with the Canadian money laundering issue." We said, "What about lawyers? Are they not the biggest source, these small law firms where guys come in with their big schemes and they do not have to report?" They said, "What do you mean? We monitor them all the time. They report to us." We asked, "How do you get around the solicitor-client privilege?" It is sacrosanct in the law profession. They said, "We differentiate between verbal communications between the solicitor and the client and between transactions that might end up in the lawyer's office." It was an interesting distinction. We have now asked the Canadian bar and the Federation of Law Societies of Canada to tell us whether we have the same solicitor-client privilege rules in Canada as in the U.K., France and the U.S. The legal communities in those countries are complying. The difference, I think we will be told, is the Charter. It is one of those cases where we are getting caught by the Charter and the legal boys have been saying that that is one of the hooks they are hanging their hat on. There is more to be reported on this subject and it is a concern.

To increase the usefulness of FINTRAC's disclosures, the range of information that can be disclosed will be expanded, as well as the list of disclosure recipients. This list would include the Communications Security Establishment and the Canada Border Services Agency.

• (1710)

In this regard, honourable senators, it is important to emphasize that Canada's new government recognizes how essential it is to protect the privacy rights of Canadians. We found out, as this bill came through the other place the other day, our learned colleague Senator Grafstein went to the other place and testified at the committee. He said that there was nothing in the bill about privacy.

We had special meetings with the Minister of Finance. I am happy to report that the government introduced an amendment as a result of these interventions that is satisfactory to us and privacy is now protected. The Standing Senate Committee on Banking, Trade and Commerce highlighted the importance of protecting the privacy of Canadians in the interim report I spoke about earlier.

Accordingly, as I said, Bill C-25 was ultimately amended at the behest of the government in the other place so the Privacy Commissioner now, under the law, will conduct a review every two years of the measures taken by Financial Transactions Reports Analysis Centre of Canada, FINTRAC. It is a kind of oversight of FINTRAC. Under the original statute, the Minister of Finance was the supervisor, period, but we said no, we need more oversight to preserve the privacy rights.

This Privacy Commissioner will perform the review every two years to make sure FINTRAC protects the private information it receives or collects and that the review be tabled in Parliament on a regular basis. This review will further strengthen existing safeguards already in place in this country to protect the privacy rights of Canadian citizens.

For example, FINTRAC is actually at arm's length with, and independent from, the law enforcement agencies that are entitled to receive the information, so there are provisions there. As well, only limited personal information such as key identifying information and publicly available information may be disclosed to police and other designated enforcement agencies.

In short, honourable senators, I am pleased to assure you that the proposals in this bill appear to strike a balance between the privacy rights of Canadians and the need for the appropriate law enforcement in this critical area. The bill does so in a manner that is consistent with the Charter of Rights and Freedoms and the Privacy Act. I am pleased to note as well, honourable senators, that this bill has benefited greatly from our interim report.

I will now make a few final remarks about the leading role that Canada is taking in the global effort to combat terrorist financing and money laundering. Canada's financial sector enjoys a global reputation for its integrity and stability, and our government wishes to ensure that this fine international reputation remains untarnished.

As I mentioned earlier, as a member of the G7 group of countries we belong to the Financial Action Task Force, FATF. This body was established by the G7 in 1989 to delineate global anti-money laundering and antiterrorist financing standards. The FATF now plays a critical role in deterring terrorist activity and money laundering. It does this by developing standards that will enable governments to cut off the financial resources that fund these illegal organizations and activities.

Canada, as I said, is an active participant in FATF, and Canada is currently the president. We played a significant role in developing the standards that are designed to starve these criminals of the cash they need to operate. Recently the FATF held important meetings in Vancouver. These standards are known as the 40 Recommendations on Money Laundering and 9 Special Recommendations on Terrorist Financing. An important element of Bill C-25 is that it will enable the commitments Canada made at FATF to be implemented so we can comply immediately with these FATF standards.

Moreover, this bill will allow Canada's anti-money laundering and terrorist financing regime to remain consistent with those of the other G7 partners. In other words, honourable senators, with the enactment of this bill, our international partners can continue to count on Canada to do its part.

In summing up, these remarks have illustrated how important the measures in this bill are. I hope honourable senators will agree with me. If an up-to-date anti-money laundering regime is not securely in place, our well-respected financial institutions could unwittingly be involved in criminal activity. Evidence of any such activity would have a damaging effect on how our financial sector is perceived not only by Canadians but by our trading partners. Our financial sector plays a significant role in the success of our economy. Our prosperity and security depend on Canada's government taking decisive action to ensure that the reputation of these fine financial institutions remain untarnished.

Honourable senators, I earnestly believe that Bill C-25 will improve our government's ability to act quickly and decisively against possible abuses of Canada's financial sector and to respect its international undertakings in this key area. I therefore urge all honourable senators to approve Bill C-25 in principle and give it second reading without delay and to then send it to the Standing Senate Committee on Banking, Trade and Commerce for sober second thought.

Hon. Mobina S.B. Jaffer: Will Senator Angus take a few questions?

Senator Angus: Yes, I would be happy to.

Senator Jaffer: I am sure that when Senator Angus spoke about the men in our august legal profession he also meant the women as well — men and women?

Senator Angus: I certainly did. I am gender neutral. I did not realize that I had made that oversight and if so, I apologize.

Senator Jaffer: You called them boys all the time. We are women.

I have another question. I heard you say this before as well, that you walk on Ste-Catherine's. Of course I do not know what Ste-Catherine's is, but I assume it is a street you frequent and you have seen a number of small stores, shops or whatever, there. Have you made inquiries? Have you gone in to see what kind of work they do?

Senator Angus: As a matter of fact I have not, but we were told about these. I was curious to see how much they are growing. A year ago on this same six-block stretch of Ste-Catherine Street

there was one, and I remember where it was. Now there are 13. I verified that what the police are telling us is true. We now look forward to hearing from the police about what is going on there.

They are in that short little place in Montreal, and it is the same in Vancouver, Toronto and Calgary — we are told, all over the country — and I have seen them in Toronto and other cities such as Halifax, where I visited recently. I must tell honourable senators, there are a lot of them. It makes me wonder whether that many people are changing their pounds sterling into Canadian dollars or vice versa. I cannot believe it is a legitimate activity but I do not know.

Senator Jaffer: Thank you very much for that answer. May I respectfully ask, since I am not part of your committee, that I be able to attend to ask my questions when the police come. Maybe these are genuine people who are carrying on what is called hawalah, which in a multicultural community is not the proper banking system as in other countries but maybe they are helping Canadians remit moneys to their country of origin. They could also be hawalahs that are carrying on business. I am not sure, I am just inquiring.

Senator Angus: We know there is a bit of that, and of course that in itself raises questions when these amounts of money are being transferred. Senator Grafstein relayed an anecdote the other day about the criminal mind. I am not disputing that there are legitimate transfers through those types of foreign exchange offices, but we were told already by the police that they are so clever and they exchange \$1,000 here and \$1,000 there, so they might go down Ste-Catherine Street to each of those 13 businesses and exchange \$1,000 at each one, and that seems a little unusual.

Furthermore, there are other “money service businesses.” These exchange businesses are different from the ones I am referring to. They must now be registered under this law. Then there is the payday loan business, which is also being looked at and legislation is coming, I gather, from the Minister of Justice.

Senator Jaffer: Perhaps in your thorough review, one of the things we could look at is registering these businesses so we can see what is taking place, but I urge you not to paint every business with not carrying on properly because the businesses may be genuinely carrying on proper hawalah business. Thank you.

• (1720)

Senator Angus: I have noted Senator Jaffer's comment, and I agree fully with it.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, before I take the adjournment, I wonder whether Senator Angus would agree that Ste-Catherine Street is one of the greatest commercial thoroughfares of this fantastic country; and that it is, in fact, very well supplied with bank branches and other places where one can change money; and that, *prima facie*, one would say that an explosion of 13 new ones in one year in a six-block stretch in an already well-served sector might be worthy of note.

Senator Angus: It makes one notice.

Senator Fraser: I shall take that as an affirmative answer to my question.

On motion of Senator Fraser, debate adjourned.

[Senator Angus]

JUDGES ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Michael A. Meighen moved second reading of Bill C-17, to amend the Judges Act and certain other Acts in relation to courts.

He said: Honourable senators, I rise today to introduce second reading debate on Bill C-17, to amend the Judges Act and certain other acts in relation to courts. Senator Nolin is the sponsor of this bill, and I will reserve his right to speak at third reading. I am speaking to this bill today, honourable senators, in the hope that it will assist in its expeditious movement through this chamber.

[Translation]

The purpose of this bill is to amend the Judges Act to implement the federal government's response to the 2003 report of the Judicial Compensation and Benefits Commission. This bill also makes a number of technical amendments to other federal acts and a number of technical amendments to other federal acts in relation to courts.

Honourable senators, section 100 of the Constitution requires that Parliament, and not the Executive alone, establish judicial compensation and benefits following full and public consideration and debate. The House of Commons has examined in detail, debated and passed this bill as introduced by the government, with the exception of a few minor technical amendments. It is now up to the Senate to study this bill, in its constitutional role in the Parliamentary process under section 100 of the Constitution.

Honourable senators, we know full well that, in addition to the protections of section 100, the Supreme Court of Canada has established a constitutional requirement for an “independent, objective and effective” commission whose purpose is to make non-binding recommendations to the government.

A government must publicly respond to the report of that commission within a reasonable period of time. A government which rejects or modifies a recommendation must provide a justification for the departure that meets the standard of rationality. I will say a few words about this standard in a few minutes.

The Judges Act was amended in 1998 in order to strengthen the current procedures of the commission, consistent with the constitutional requirements defined by the Supreme Court of Canada. At the federal level, the Judicial Compensation and Benefits Commission is the name of the independent, objective and effective commission that makes recommendations to the government. The commission meets every four years to inquire into the adequacy of judicial compensation and benefits and is required to report with recommendations.

It was in response to amendments proposed by the Senate that express criteria were included in the Judges Act to govern the commission's consideration as well as that of the government and Parliament in determining the adequacy of the judges' compensation. These criteria include the prevailing economic conditions in Canada, including the cost of living and the overall economic and financial position of the federal government, the

role of financial security of the judiciary in ensuring judicial independence, the need to attract outstanding candidates to the judiciary and any other objective criteria that the commission considers relevant.

The last commission reported in May 2004. Unfortunately, the implementation of the commission's recommendations was quite delayed under the previous government. Allow me to explain the situation.

[English]

The commission fulfilled its role by conducting an inquiry and delivering a report with these recommendations. The former government responded to that report and introduced Bill C-51 to implement its response. However, despite an introduction date of May 20, 2005, Bill C-51 never proceeded beyond first reading and died on the Order Paper when the federal election was called in November 2005.

This government believes strongly in the principle of judicial independence, as I know all honourable senators do. The government recognizes that the integrity of this entire process is dependent in part on timely passage of implementing legislation.

The government is also firmly of the view that it had a responsibility to take the time to consider the report and recommendations in light of the mandate and priorities upon which it had been elected. However, this review was undertaken as quickly as reasonably possible.

The government provided its response to the commission report on May 29, 2006, followed almost immediately by the introduction of Bill C-17 in the other place on May 31, 2006. The bill was referred after first reading for further study to the Standing Committee on Justice and Human Rights on June 20, 2006.

The committee began its consideration of the bill on October 24 and tabled its report in the other place on November 1, 2006, approving the bill with some minor technical amendments.

Report stage and second reading occurred on November 7. Third reading debate was finally concluded on November 21.

Honourable senators, I am sure we can all appreciate the critical importance of completing the final stage of the 2003 quadrennial cycle through the passage of this legislation, especially since we must very soon begin preparations for the next quadrennial commission, which will commence its work in less than one year's time.

Bill C-17 proposes to implement virtually all of the commission's recommendations. The exceptions are the commission's recommendation on the 10.8 per cent salary increase and the representational cost proposal. Instead, the government is prepared to support a salary increase of 7.25 per cent and to increase reimbursement of representational costs to 66 per cent from the current level of 50 per cent.

I know honourable senators will have read the government's response explaining its rationale for the modification of the commission's salary recommendation. I therefore intend to briefly

summarize this response on this issue. Before doing so, I think it important to speak to the standard of rationality against which our justification for this modification of the commission's recommendations by Parliament will be assessed.

It is necessary to displace some of the misconceptions that are at play in this area and, in particular, suggestions that respect for the constitutional judicial compensation process and for judicial independence, broadly speaking, can only be demonstrated through full verbatim implementation of commission recommendations.

To ensure public confidence in the process, I think it is absolutely critical that we have a shared appreciation and a shared understanding of the very balanced guidance that has been provided by the Supreme Court of Canada in the key cases of the *P.E.I. Judges Reference* and *Bodnar*. In both decisions, the court has quite rightly acknowledged that allocation of public resources belongs to the legislatures and to governments.

Careful reading of these cases also indicates that governments are fully entitled to reject and modify commission recommendations provided that a public, rational justification is given, one that demonstrates overall respect for the commission process.

• (1730)

Honourable senators, the government is fully confident that it has met this requirement. The effectiveness of the commission is not measured by whether all of its recommendations are implemented unchanged. Rather, it is measured by whether the commission process — its information gathering and analysis and its report and recommendations — play a central role in informing the ultimate determination of judicial compensation.

The commission's work and analysis have indeed been critical in the government's deliberations. The response respectfully acknowledges the commission's efforts and explains the government's position in relation to two modifications to the commission's proposals.

In justifying the proposed modification of the salary recommendation, as reflected in Bill C-17, the government gave careful consideration to all four of the criteria established by the Judges Act, and to two of them in particular. Those two are as follows: the prevailing economic conditions in Canada, including the cost of living and the overall economic and financial position of the federal government; and, second, the need to attract outstanding candidates to the judiciary.

With respect to the first of these, the government concluded that the commission did not pay sufficient heed to the need to balance judicial compensation proposals within the overall context of economic pressures, fiscal priorities and competing demands on the public purse. In essence, the government described a different weight than the commission did to the importance of this criterion.

In terms of attracting outstanding candidates, the government took issue with the weight that the commission placed on certain comparative groups against which the adequacy of judicial salary should be assessed.

The government recognizes that the task of establishing appropriate comparators for judges has been a perennial challenge for past commissions as well as parliamentarians, given the unique nature of the judicial office. The commission very carefully and thoroughly considered a range of comparative information, including senior civil servants, GIC appointees and private practice lawyers' incomes.

Honourable senators, a key concern was the fact that the commission appeared to accord a disproportionate weight to incomes earned by self-employed lawyers and, in particular, to those practitioners in Canada's eight largest urban centres. In addition, there was an apparent lack of emphasis given to the value of the judicial annuity.

As the response elaborates, the government believes that the commission's salary recommendation of 10.8 per cent overshoots the mark of defining the level of salary increase necessary to ensure outstanding candidates for the judiciary.

The government is proposing a modified judicial salary proposal for puisne judges of \$232,300, or 7.25 per cent, effective April 1, 2004, with statutory indexing to continue effective April 1 in each of the following years, with proportional adjustments for Chief Justices and justices of the Supreme Court of Canada.

[Translation]

The other proposed amendment pertains to the commission's recommendation that judges are entitled to a higher rate of reimbursement for their expenses in respect of their participation in the work of the commission. It recommended increases of between 50 per cent and 66 per cent for legal expenses and between 50 per cent and 100 per cent for costs.

For your information, costs related to the work of the commission include not only photocopies and messenger services but, in particular, the cost of large contracts for consultants with expertise in compensation and other matters.

In our opinion, the reimbursement of 100 per cent of costs provides little or no financial incentive for judges to incur reasonable expenses. Consequently, Bill C-17 would increase the current level of reimbursement by 50 per cent to 66 per cent.

The answer also indicates that it is up to parliamentarians and not the government to decide on which proposals to implement, whether they are made by the commission or by a third party.

The justice committee examined Bill C-17 with the utmost of care. It heard the commissioners from the Judicial Compensation and Benefits Commission. Representatives of the Canadian Bar Association appeared before the committee as well as Professor Garant, who gave his opinion as an academic on this constitutional process.

The Justice Committee returned Bill C-17 with some minor amendments and the bill was approved after debate at both second and third reading in the House.

[Senator Meighen]

[English]

Honourable senators, I want to alert each and every one of us to the fact that Bill C-17 is not just about salary increases for judges. Most notably, this bill includes a long overdue proposal aimed at levelling the playing field for partners of judges in the difficult circumstances of a relationship breakdown by facilitating the equitable sharing of the judicial annuity. The judicial annuity is currently the only federal pension not subject to such a division, despite the fact that the judicial annuity represents a significant family asset.

The proposed annuity amendments essentially mirror the provisions of the federal Pension Benefits Division Act. Like the PBDA, these provisions uphold the overarching principles of good pension division policy, allowing couples to achieve a clean break, certainty and portability.

These provisions are also consistent with both the objectives of probative retirement planning and the constitutional requirement of financial security as a part of the guarantees of judicial independence.

While on its face extremely complicated, the policy objective of this mechanism is very simple — that is, to address a long outstanding equity issue in support of families undergoing breakdown of the spousal relationship.

Honourable senators, it has been my honour to speak to the important amendments found in Bill C-17, proposals that are consistent with the legal and constitutional framework that governs judicial compensation.

In light of the length of time that has passed since the commission report, and in order to ensure the continued integrity of this process, it is of great importance, it seems to me, that we deal with this bill with all due dispatch. I therefore call on all honourable senators to give careful but timely consideration to Bill C-17. Let us reach a final implementation of these long overdue proposals, proposals that are both fair and reasonable to all.

Honourable senators, in so doing, we will help ensure that Canada continues to have a judiciary whose independence, impartiality, commitment and overall excellence not only inspires the confidence of the Canadian public but is envied around the world.

Hon. Eymard G. Corbin: Would the honourable senator accept a question?

Senator Meighen: Certainly.

Senator Corbin: I would refer him to Part 2, on page 23 of the bill, under the title Federal Courts Act. I should like to read clause 20 of the bill, which replaces paragraph 5(4) of the Federal Courts Act with the following — and I quote:

At least five of the judges of the Federal Court of Appeal and at least 10 of the judges of the Federal Court must be persons who have been judges of the Court of Appeal or of the Superior Court of the Province of Quebec, or have been members of the bar of that Province.

I do not know if that proposed new section of the Federal Courts Act seeks to operate an increase in the representation on the court bench of members from Quebec or if this is in fact an entirely new disposition.

Perhaps to stay in the spirit of things, could the honourable senator inform me as to whether this is a way of affirming that Quebec is a distinct society or a nation within the federation?

Senator Comeau: Or a nation of Quebecers?

Senator Meighen: If we could rely on debate yesterday in the other place, it would appear that most members of the House of Commons believe Quebecers to be a nation within a united Canada.

• (1740)

As to whether that represents an increase, I must confess to Senator Corbin that I do not know the answer to that question, but I would be glad to try to find it as quickly as possible and transmit it to him.

Senator Corbin: I thank the honourable senator.

Hon. Anne C. Cools: I was observing carefully Senator Meighen and his clear-mindedness, which is a real pleasure. This is a subject matter that I have studied a fair amount.

The honourable senator made a reference to representational allowances and increases in those allowances. Perhaps he should tell the house what "representational allowances" are.

Senator Meighen: I assume it is lawyers paying other lawyers to represent them. To the best of my knowledge, the judges were represented by counsel, and I assume that counsel did not work for free.

Senator Cools: My understanding is that representational allowances had to do with allowances to the judges and chief judges for hospitality and expenses like that, but that is another question. We can look at that more carefully later.

When a previous judges bill was before the Senate, there was much talk, as always, that high salaries are required because of the difficulties in getting good lawyers to serve as judges. At the time, the Senate committee questioned all of that.

The data show that, contrary to there being any difficulty to obtain candidates for judicial office, in point of fact there were numerous hopefuls for each vacancy. At that time, many of the committee members thought that the government or its advocates should relinquish the constant mantra that they cannot get good candidates because the salaries might not be attractive enough. At the time, the committee members learned that the highest salaries in the country are those of judges.

I am encouraged by much of what the honourable senator had to say, but I am wondering if he could clarify a bit more. It would take a most unreasonable person to argue that Canada's judges are not well paid or that there are many more seekers of judicial office than there are official positions to which to appoint persons.

Senator Meighen: Based on my experience, I certainly could not deny that a good number of lawyers are interested in becoming members of the judiciary. I do not find there is a great lack of applicants.

That being said, I think all honourable senators would agree that we are interested in high-quality judges, and quality cannot be obtained, in all cases, if the salary is not commensurate with the responsibilities that we place upon these people.

As I indicated, the government is proposing a level of 7.25 per cent rather than 10.8, I think, for some of the reasons the honourable senator cited.

The commission tended, as I indicated, to look at the salaries of lawyers in private practice in the large urban centres. Many of our judges are drawn from outside the large urban centres. Also, many judges are drawn from a community of lawyers who are not in private practice. For those two reasons, it seemed appropriate to reconsider the level proposed by the commission.

Senator Cools: I agree with the honourable senator.

Senator Meighen: The fact of the matter is also that judges have not had an increase for four plus two years, so six years, if the commission reported two years ago. They have been waiting for that.

Senator Cools: It is retroactive, though.

Senator Meighen: It is retroactive, so that will solve the problem of those two years.

Other than that, I do not think there is much that I can add to the determination of the 7.25 per cent. It is over a 3 per cent reduction from what was proposed, and we think it is highly adequate.

Senator Cools: The last time that this issue was before us, the government of the day basically tied judicial salaries to members' salaries. At the time, many of us here objected to that decision. Barely a year later, the government of the day then found some of the recommendations a little too rich for their blood. The government thought it was too rich for members, so they soon severed the connection between judges' and MPs' salaries, particularly the Chief Justice's salary to the Prime Minister's salary. Many of us had thought that it was a bad idea in the first place.

Section 100 of the Constitution basically attempts to bring judges under "the public purse." It says, in part:

The Salaries, Allowances and Pensions of the Judges...shall be fixed and provided by the Parliament of Canada.

Around the time the compensation commission was made a permanent body under the Judges Act, there was a body of opinion which, roughly expressed, said that the commission could become a situation whereby they fixed the salaries, and Parliament provided them, rather than Parliament fixing and providing the salaries.

Has the honourable senator thought about that? If he has not, there will be ample time to do so. The notion that, constitutionally, salaries must be fixed and provided had been altered to mean that the judges fix and Parliament provides.

Senator Meighen: I tried to emphasize in my remarks that it is up to us and up to those in the other place to establish and to fix the salaries. As I see it, the commission has made a recommendation and the government has commented on that recommendation. The government has introduced legislation which passed in the other place and it is now before us, so it is really us who make the determination.

On motion of Senator Fraser, debate adjourned.

• (1750)

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-220, to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I rise to speak to the substance of Bill S-220, which was introduced by Senator Carney on October 3, 2006.

It is important to note that our dear colleague, Senator Forrestall, who passed away on June 8 of this year, was the major driving force behind this bill. Senator Carney is the sponsor of the bill in this session of Parliament, but Senator Forrestall introduced this bill, an act to protect heritage lighthouses, on five previous occasions.

He introduced Bill S-21 in the Second Session of the Thirty-sixth Parliament; Bill S-43 in the First Session, Bill S-7 in the Second Session and Bill S-5 in the Third Session of the Thirty-seventh Parliament; and finally Bill S-14 in the Thirty-eighth Parliament. Indeed, during the last session of Parliament, Bill S-14 proceeded all the way to committee stage in the other place, which I believe is a testament to the widespread support this bill had among all parliamentarians.

It is unfortunate that Bill S-14 did not receive Royal Assent in the Thirty-eighth Parliament. I know Senator Forrestall would have been delighted to see his many years of hard work and dedication acknowledged. He was a tireless advocate for the protection of all of Canada's heritage monuments, including lighthouses, and we should continue to honour his legacy and hard work.

Honourable senators, the purpose of Bill S-220 is to protect and preserve heritage lighthouses within the legislative authority of Parliament by providing for their designation as heritage lighthouses and by requiring that these lighthouses be maintained as heritage monuments.

The government is pleased to support Bill S-220, just as we were pleased to support previous versions of the bill when we were in opposition. Protecting heritage lighthouses is a laudable goal. However, the sponsor of this bill has raised the fact that she has consulted with Environment Canada about several potential amendments to the bill. I call the attention of senators to important matters we may wish to study when this bill is referred to committee.

The Department of Fisheries and Oceans is the custodian of approximately 750 lighthouses in Canada. The department has approximately 246 light stations and 504 aids to navigation, which are viewed as lighthouses and to which Bill S-220 would apply. Some of these lighthouses are accessible only by helicopter or ship, and certainly not by conventional transportation. Because lighthouses are exposed to more extreme weather conditions than other landmarks, they are also vulnerable to deterioration.

The annual budget of the Department of Fisheries and Oceans is \$1.7 billion. There is no designation for funds to implement Bill S-220 if this bill were enacted. We know that the Department of Fisheries and Oceans has a small budget in comparison to its mandate to protect Canada's fisheries and to promote healthy and accessible waterways, and we know the department works hard to achieve good value for money for Canadian taxpayers. I am sure that Senator Rompkey agrees with that. We must be sensitive to that situation and ensure that the cost of implementing Bill S-220 would not compromise the ability of the Department of Fisheries and Oceans to meet its operational requirement to Canada's coastal communities.

I also call the attention of the Senate to the remarks of the Auditor General in her November 2003 report, *Protection of Cultural Heritage in the Federal Government*. In her report, the Auditor General stated that a more strategic report is needed for the way we protect lighthouses in this country. In particular, she wrote that the government must make a concerted effort to protect heritage sites but that these choices need to be focused and consistent with the resources available.

The Auditor General has also questioned the logic of protecting many of the same heritage building sites, mentioning lighthouses in particular as an example. We need to be aware of her concerns.

The government is committed to protecting Canada's historic places for future generations, and this protection includes heritage lighthouses. We support Bill S-220, but we also believe that it can be improved.

In Budget 2006, Parks Canada was provided with significant new funding for the Historic Places Initiatives, which furthers Canada's history of heritage conservation and ensures that historic places are an integral part of our society. The government support for the aims of Bill S-220 builds on that initiative, and we hope to do it in a fiscally responsible manner. This is what Canadians of all regions expect and deserve.

I look forward to working with my Senate colleagues to promote and strengthen the objectives of Bill S-220 and to put forward a fiscally responsible approach to protecting Canada's heritage landmarks, which Canada deserves.

On motion of Senator Rompkey, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, as the time is approaching six o'clock, is there an indication from the house as to whether or not I see the clock?

Hon. Gerald J. Comeau (Deputy Leader of the Government): We agree not to see the clock.

Hon. Joan Fraser (Deputy Leader of the Opposition): That is agreed.

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-209, concerning personal watercraft in navigable waters.—(*Honourable Senator Comeau*)

Hon. Tommy Banks: Honourable senators, this bill, similar to the one Senator Comeau spoke to, has been introduced in this place a couple of times in successive parliaments going back to the Thirty-sixth Parliament, if I recall correctly.

I rise because the Standing Senate Committee on Energy, the Environment and Natural Resources, to which I think this bill might be referred for study, has at the moment, because of preparation of two aspects of its current mandated report, an opportunity in the next two weeks to study this bill once again. Senators will recall that a couple of weeks ago I asked for permission to bring forward all the previous testimony on this bill.

Since this order stands in the name of Senator Comeau, would he entertain a motion to move this bill to committee for study in order that we can report on it quickly.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I thank Senator Banks for his request and the spirit in which he made it. However, Senator Spivak has not been well. I talked to her some time ago about the possibility of moving the bill to committee as soon as she is able to return and be part of the process of studying the bill. I think it would be fair for us to wait until Senator Spivak is here before we move it to committee in order that she could be part of the process.

Senator Banks: My request is partly in respect of that. We have received in writing from Senator Spivak a request that it be sent to committee. Senator Spivak intends to return to the Senate on December 5. During that week and before the Christmas break, the committee will be able to deal with this matter. My concern is that when that window closes, we will move into the second phase of our mandatory examination of the Canadian Environmental Protection Act, and that will preclude the consideration of this bill probably until February or March. It is precisely in the interests of enabling Senator Spivak to participate in the committee's deliberations on this bill that I ask for this referral.

Senator Comeau: It would have been nice, in the interests of house management, if Senator Spivak had copied me on the letter she sent to Senator Banks about her return date. That would have given me an opportunity to be in the loop. Perhaps Senator Banks will send me a copy of that message.

Senator Banks: I have given a misimpression, honourable senators, and I wish to correct it. We asked Senator Spivak to give us her authority to ask that the bill be moved into committee. I received no letter indicating the date on which she would return. We received information from her office, directed to the clerk of the committee, that she will be back in the Senate on that date. I will be happy to send a copy of that information to Senator Comeau.

• (1800)

Senator Comeau: I shall send the honourable senator a note myself, inquiring as to her intentions. This will be done next week.

On motion of Senator Comeau, debate adjourned.

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT
AND RELEVANT REGULATIONS, DIRECTIVES
AND REPORTSREPORT OF OFFICIAL LANGUAGES
COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Tardif, that the second report of the Standing Senate Committee on Official Languages, entitled: *Understanding the Reality and Meeting the Challenges of Living in French in Nova Scotia*, tabled in the Senate on October 5, 2006 be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Canadian Heritage, the President of the Treasury Board and the Minister for Official Languages being identified as Ministers responsible for responding to the report.—(*Honourable Senator Corbin*)

Hon. Maria Chaput moved adoption of the report.

Motion agreed to and report adopted.

[English]

CANADA'S COMMITMENT TO DARFUR, SUDAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(*Honourable Senator Jaffer*)

Hon. Mobina S. B. Jaffer: Honourable senators, this inquiry was initiated by Senator Dallaire, and I thank him for that initiative.

I know all honourable senators will join me in wanting to let Senator Dallaire know that he is in our minds when we deal with this very difficult inquiry.

Honourable senators, because of the lateness of the hour, and given the heavy week we have all had, I should like to complete my remarks on Darfur at another time.

The Hon. the Speaker: Honourable senators, does the item stand in the name of Honourable Senator Jaffer?

Hon. Senators: Agreed.

On motion of Senator Jaffer, debate adjourned.

QUESTION OF PRIVILEGE

The Hon. the Speaker: Honourable senators, pursuant to rule 43(5) of the *Rules of the Senate*, the clerk received this morning notice of a question of privilege from the Honourable Senator Cools; and in accordance with rule 47(7), I now recognize the Honourable Senator Cools.

Hon. Anne C. Cools: The hour is late and I think honourable senators are in hurry to go home. I do not have the heart to keep honourable senators here for another hour or however long it would be take.

What I would ask is that perhaps I could do it on Tuesday. If that is not acceptable, I will find another rubric.

My experience in this place is that on Thursday night at 6:30 p.m. senators really do not want to be here, and I do not want to exhaust them further.

Hon. Joan Fraser (Deputy Leader of the Opposition): It is extremely unusual to postpone discussion on a question of privilege — and the Speaker may tell me that it simply cannot be done. However, it is true that it has been a long and stressful week and, as such, I would be prepared to let this matter be carried over until Tuesday, if that can be done. I really do not have views on the procedural correctness or even the possibility of this.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I do not know what to say in this regard. The rules, I thought, were quite clear that the question of a motion of privilege has to be brought up very quickly, because someone's privileges have been denied. If one's privileges have been denied, all of our privileges have been denied, the way I view it.

If my privileges had been denied through someone else's privileges having been denied, I want to know what those privileges are. I do not even know what the privileges are that have been denied so far, so I think we need to know. I do not think we can have this hanging over us over a number of days without knowing how someone's privileges have been trampled on or denied through what I heard were "words and actions." I need to know what they are.

I think our rules are quite clear that we cannot postpone; it must be brought up at the first opportunity.

Senator Cools: Honourable senators, on many occasions here the discussion has been postponed a day or two. The rule is pretty clear that, under this rubric, which is asking the Speaker for a *prima facie* ruling, the rules are clear that the matter must be raised at the first opportunity. However, to the extent that once something has been noted here, it becomes an indication to the house that something further will be coming. I have been part of many discussions here — two occasions where I remember the debate was even adjourned. It is unusual, but it has happened.

Honourable senators, I appreciate Senator Comeau's concern. My point is that, in the instance, if Senator Kinsella were to find a *prima facie* case, then the debate would have to occur immediately on the motion that I would propose. My sentiments, honourable senators, are as follows: It is 6:30 p.m., and I simply do not have the heart to keep us here for another hour. We have been here for a very long time, and it would be very easy for me to do this on Tuesday.

I am not going to press the matter. I shall not push the matter. There are other rubrics under which I can raise these very same issues. I just do not think, quite frankly, even with the diminished numbers that are currently present in the chamber, that it does any debate any good at this particular time of day. That is all I am saying.

If I can do it Tuesday, fine; if not, I can use other rubrics.

Senator Comeau: We will leave it to His Honour to determine whether this matter can be postponed to Tuesday, as requested by Senator Cools. My opinion is that we should be dealing with it, if privileges have been trampled on.

The Hon. the Speaker: Honourable senators, the Speaker is a servant of the house. As honourable senators have indicated, privilege is a very important matter, and I do not see leave being granted. This is the time to deal with the matter.

I shall operate on the assumption that leave has not been granted. This is the time to do it, Senator Cools.

Senator Cools: I said earlier that I do not have the heart to do this, and that I ask for senators to allow me to speak to this issue on Tuesday. The decision belongs with all senators, the whole Senate.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: No.

Senator Cools: That was easy. Let the record show that Senator Comeau said no.

• (1810)

Senator Comeau: Absolutely. I would want it on the record if my privileges as a senator had been trampled on or violated in any way. I would need to know what was said and done yesterday, and I would need to know right away, according to the rules. I am simply obeying the rules as we currently have them. If we do not like the rules and we want to postpone questions of privilege over

a number of days, that is fine, and we can change the rules. However, for the time being, the rules are such that if actions done and words spoken trample on our privileges, we should know what they are.

Senator Cools: I assure you that nothing is that urgent. This rule has been debated thousands of times, but not in this jurisdiction. As a matter of fact, these issues have never been properly studied in this particular jurisdiction. The point is that when one raises these issues, the rule says "at the earliest opportunity" so as to be able to indicate to the Senate that you want to do something. In any event, if you say "no," you have said "no," and I will accept that, but I happen to know as I look around at the scant number of senators in this chamber that, quite frankly, the Conservatives do not even have enough people present to maintain quorum right now. I do not think it is fair to persist. The issue is not life threatening. If it were life threatening, it would be a different matter. If it were life threatening, I would have gone to the other rule which would have brought it on immediately and I would not have had to wait all afternoon. There are some questions of principle, and the debate I would like to have is a substantive and profound one. I do not believe we could do it justice at this hour. I am not the kind of person who can present in a half-hearted way when I know that everyone is waiting to go home.

The Hon. the Speaker: Honourable senators, the chair requires help. Where are we?

Senator Fraser: It is my understanding, Your Honour, that leave has been denied to postpone consideration of the question of privilege and that Senator Cools has considered the circumstances of the day and has, with some consideration for the endurance of senators who have had a long and difficult week, said she wishes not to proceed with the matter at this time.

She also said — and it is important that we take note — that she realizes there are other rubrics under which she could proceed with her matter. As Senator Stratton reminded us not very long ago, there is rule 59(10), or one can have an inquiry or one can have a motion. Although I did say that I would have been prepared, if Your Honour thought it was in order, to postpone consideration under the initial question of privilege, I want to be very clear that we understand that this matter can be proceeded with in another way at another time.

On our side, once we have further details of the concerns that Senator Cools wishes to raise, we will participate in that debate. I would not wish Senator Cools to believe that she is suffering in any way by the immediate proceedings in this chamber.

Senator Cools: I thank the senator for her kindness and her generosity — I would even say her nobleness and even magnanimity. My experience in life is that, at the end of the day on Thursdays, when everyone is tired, that is not the time of day to raise profound, difficult issues — issues that are difficult constitutionally and difficult legally.

In addition, the chamber is pretty empty, so most senators have already gone, and that is a pretty good indication of where senators want to be. I asked to defer until Tuesday as a matter of courtesy, and it has been done before. Fine. I will accept that. I understand exactly what is going on. I am not the least bit mystified at all. His Honour was asked to make a decision, but it is not his decision to make. He should never have been asked.

As I said before, I know that it is Thursday evening, I know that senators want to go home, I know that I want to place some deep concepts before us, and I know that I want senators to partake in the debate on these important questions.

Senator Fraser: And we will.

Senator Cools: I also happen to know, because I have a tremendous political instinct, that this is not the time. Most senators, with the exception of the one who denied me permission, are feeling a sense of relief that I am offering not to tax their minds on these taxing matters at this very late hour of the day.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2006 RESOLUTION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE ADJOURNED

Hon. Joan Fraser (Deputy Leader of the Opposition), for Senator Grafstein, pursuant to notice of September 26, 2006, moved:

That the following Resolution on Combating Anti-Semitism and other forms of intolerance which was adopted at the 15th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Brussels, Belgium on July 7, 2006, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2007:

RESOLUTION ON COMBATING ANTI-SEMITISM AND OTHER FORMS OF INTOLERANCE

1. Calling attention to the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its annual sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004 and Washington in 2005,
 2. Intending to raise awareness of the need to combat anti-Semitism, intolerance and discrimination against Muslims, as well as racism, xenophobia and discrimination, also focusing on the intolerance and discrimination faced by Christians and members of other religions and minorities in different societies,
- The OSCE Parliamentary Assembly:
3. Recognizes the steps taken by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) to address the problems of anti-Semitism and other forms of intolerance, including the work of the Tolerance and Non-Discrimination Unit at the Office for Democratic Institutions and Human Rights, the appointment of the Personal Representatives of the Chairman-in-Office, and the organization of expert meetings on the issue of anti-Semitism;
 4. Reminds its participating States that "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property,

towards Jewish community institutions and religious facilities", this being the definition of anti-Semitism adopted by representatives of the European Monitoring Centre on Racism and Xenophobia (EUMC) and ODIHR;

5. Urges its participating States to establish a legal framework for targeted measures to combat the dissemination of racist and anti-Semitic material via the Internet;
6. Urges its participating States to intensify their efforts to combat discrimination against religious and ethnic minorities;
7. Urges its participating States to present written reports, at the 2007 Annual Session, on their activities to combat anti-Semitism, racism and discrimination against Muslims;
8. Welcomes the offer of the Romanian Government to host a follow-up conference in 2007 on combating anti-Semitism and all forms of discrimination with the aim of reviewing all the decisions adopted at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington), for which commitments were undertaken by the participating States, with a request for proposals on improving implementation, and calls upon participating States to agree on a decision in this regard at the forthcoming Ministerial Conference in Brussels;
9. Urges its participating States to provide the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with regular information on the status of implementation of the 38 commitments made at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington);
10. Urges its participating States to develop proposals for national action plans to combat anti-Semitism, racism and discrimination against Muslims;
11. Urges its participating States to raise awareness of the need to protect Jewish institutions and other minority institutions in the various societies;
12. Urges its participating States to appoint ombudspersons or special commissioners to present and promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
13. Underlines the need for broad public support and promotion of, and cooperation with, civil society representatives involved in the collection, analysis and publication of data on anti-Semitism and racism and related violence;
14. Urges its participating States to engage with the history of the Holocaust and anti-Semitism and to analyze the role of public institutions in this context;
15. Requests its participating States to position themselves against all current forms of anti-Semitism wherever they encounter it;

16. Resolves to involve other inter-parliamentary organizations such as the IPU, the Council of Europe Parliamentary Assembly (PACE), the Euro-Mediterranean Parliamentary Assembly (EMPA) and the NATO Parliamentary Assembly in its efforts to implement the above demands.

She said: Honourable senators, I will echo the sentiments expressed so clearly by Senator Cools a moment ago.

Senator Comeau: Where is Senator Cools?

Senator LeBreton: She is gone.

Senator Fraser: At this time of day on a Thursday, at the end of a very stressful week, we cannot perhaps give complete consideration to matters of great importance. The resolution that Senator Grafstein is bringing to our attention is of profound importance, but I would very much like, with the indulgence of the chamber, to move the adjournment of the debate for the balance of my time.

On motion of Senator Fraser, debate adjourned.

[Translation]

OFFICIAL LANGUAGES

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

On Motion No. 125:

That the Standing Senate Committee on Official Languages have the power to sit on Monday, November 27, 2006 at 4:00 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Maria Chaput: Honourable senators, with leave, I would like the motion in my name to be withdrawn from the Order Paper.

Motion withdrawn.

[English]

The Hon. the Speaker: The chair made an error. We have to go back to Motion No. 125, the motion of Senator Chaput. Was the request to adopt this motion or to withdraw?

Hon. Senators: To withdraw.

The Hon. the Speaker: I apologize for the way in which I put the question. Is it understood that the question I put was that this motion be withdrawn?

Hon. Senators: Yes.

The Hon. the Speaker: The motion to withdraw has been adopted.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 28, 2006, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 28, 2006, at 2 p.m.

THE SENATE OF CANADA PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, November 23, 2006

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23		

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3 rd (including 1 amend. to report) 06/11/09 Total 158	06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21		Referred to committee 06/11/23

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications					
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03		
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06							
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs					
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21							
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs					
C-25	An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act	06/11/21							
COMMONS PUBLIC BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
SENATE PUBLIC BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources					
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03							
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs					



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Tuesday, November 28, 2006

—◆—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, November 28, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[Translation]

THE LATE CHIEF WARRANT OFFICER ROBERT GIROUARD THE LATE CORPORAL ALBERT STORM

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we begin, I invite you to rise and observe a minute of silence in memory of Chief Warrant Officer Robert Girouard and Corporal Albert Storm, who were killed tragically yesterday while serving their country in Afghanistan.

Thank you, honourable senators.

Honourable senators then stood in silent tribute.

[English]

SENATORS' STATEMENTS

THE HONOURABLE NOËL A. KINSELLA

HAPPY BIRTHDAY

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I should like to draw your attention to the fact that His Honour is celebrating his birthday today. On behalf of all senators on this side and I am sure the other side as well, I wish him a very happy birthday.

Hon. Senators: Hear, hear!

THE LATE JOHN ALLAN CAMERON, O.C.

Hon. Terry M. Mercer: Honourable senators, last week we lost one of Nova Scotia's most loved cultural ambassadors, John Allan Cameron, after a lengthy battle with cancer.

Long before the Celtic music scene exploded onto the world stage, there was "Johnallan." Indeed, he ignited the spark that brought Celtic music from his native home in Glencoe Station, near Mabou, Cape Breton, Nova Scotia, to the homes and stages of the world.

Honourable senators, the "ministering minstrel" was a true master of his craft. He played the 12-string guitar with the same voracity as Buddy MacMaster on the fiddle or even Jerry Lee Lewis on the piano. He was that good.

His true craft was the infectious way he could transform a small party into a festival, a kitchen into a concert hall. We shall miss his signature shouts of "yes" and the way in which he got us out of our seats with his music and into the middle of the church hall.

Honourable senators, his legacy will live on through the music he loved so much and spread all over the world. It will also live on through the people who shared in it. People from Halifax to Nashville and beyond knew that when Johnallan smiled, the music had already begun.

I extend my thoughts and prayers to his family and friends. We should all take comfort in knowing, as the *Halifax Chronicle-Herald* said, that "there's a kitchen party in heaven," and I am sure Johnallan has even convinced St. Peter himself to dance a jig or two.

VANIER CUP 2006

Hon. David Tkachuk: Honourable senators, this weekend in the Vanier Cup, the football team from my alma mater, the University of Saskatchewan, went down to defeat at the hands of Laval. It was a hard fought game played in conditions fit neither for man nor, it seems, for Husky.

In spite of the weather, the players from both teams played their hearts out, with Laval eventually edging out a win by a score of 13 to 8. Still, the University of Saskatchewan team, which has won three Vanier Cups in seven appearances, has much to be proud of. Not least, they took this loss with the good grace that is so often lacking in elite athletes today. No excuses were offered, honourable senators, as Huskies Coach Brian Towriss explained the loss:

In the end, Laval came up and played great. Hats off to those guys and hopefully we get to see them again next year.

While the newspapers referred to some bad calls by the referees that went against Saskatchewan, Huskies receiver Leighton Heron was having none of it. He was quoted in the paper as saying:

I'm not going to get on the refs. They've got a hard enough job. It is tough to see everything. We just didn't make enough plays throughout the entire game.

That is what I call sportsmanship and class.

The city of Saskatoon did itself exceedingly proud as the host of this much-storied event. As my hometown newspaper, the *StarPhoenix*, said about this year's Vanier Cup in my fair city: Somebody finally did it right!

What has long been an afterthought was turned instead into a showcase for Canadian university football, with a week of parties, galas, cabarets, side shows and, of course, the main event, football — and nary a problem for police or ambulance workers to deal with, other than frostbite.

To all the organizers, volunteers, coaches and most of all the players: Well done.

• (1410)

DOMESTIC VIOLENCE AGAINST WOMEN

Hon. Lorna Milne: Honourable senators, I want to take this opportunity to make you aware of a campaign launched yesterday in Madrid, Spain, by the Council of Europe Parliamentary Assembly, entitled "Parliaments united in combating domestic violence against women." I also would like to thank the Speaker of the Senate for his enthusiastic support of this initiative by recording the Parliament of Canada's declaration of support for this campaign.

Domestic violence against women is a serious assault on human dignity and prevents women from enjoying fundamental rights. Statistics confirm that domestic violence against women, whether physical, sexual, psychological or deriving from economic dependence, knows no geographical, age or ethnic distinction and affects every type of family relationship and every social setting.

This assault on human dignity is perpetrated in silence, and often to general indifference, in many homes. Whether we are national, regional or local elected representatives or simple citizens, this problem concerns us all. It is our individual and collective responsibility to break the silence and act on behalf of the values defended by the Government of Canada and the Council of Europe, which are charged with protecting human rights.

In Canada, charging and prosecution policies aimed at combating the problem of domestic violence were introduced by the Royal Canadian Mounted Police in the early 1980s. These policies were a response to concerns that victims of domestic violence were not receiving adequate protection from the criminal justice system. Transferring the onus of laying charges to the police and Crown prosecutors removed the pressure from the victims, sending a clear message that domestic violence is not a private matter, but a serious and unacceptable social problem and a clear violation of the law.

Honourable senators, an act of domestic violence is rarely an isolated incident. According to a 2002 report prepared by Ministers responsible for the Status of Women in Canada, in about two thirds of all cases of domestic violence against women, the violence occurred more than once, and one quarter to one third involved more than 10 episodes.

In light of this sobering evidence, domestic violence against women is a serious and unacceptable assault on human dignity, and we must continue to provide protection for individuals who find themselves in this vulnerable position.

Over the past week, parliaments throughout Europe are having "Days of Action" to raise awareness of this growing problem, and I ask honourable senators to join me in supporting these important initiatives.

PRIME MINISTER

MOTION TO DECLARE QUEBEC A NATION WITHIN CANADA

Hon. Consiglio Di Nino: Honourable senators, I rise today to praise Prime Minister Harper for his bold and inspired response to the question of the status of the Québécois within Canada. Without his intervention, the debate on this issue in Montreal this weekend and the Bloc motion in Parliament could have further seriously inflamed this always controversial subject.

Prime Minister Harper turned the potentially disastrous debate into what may very well be a real turning point for the unity of our country — indeed, a defining moment for the future of Canada.

I also praise the members of the other place, particularly the Leader of the Opposition and the Leader of the NDP, for their overwhelming support of the Prime Minister's motion.

A commentator suggested that this may have been Prime Minister Harper's finest hour. I see it as another example of his principled leadership.

[Translation]

MCGILL UNIVERSITY

WOMEN IN HOUSE PROGRAM

Hon. Lucie Pépin: Honourable senators, one of the greatest challenges our democracy faces is increasing the number of women in Parliament. As you are all aware, Canadian women are under-represented in our legislative assemblies, but worse yet, our presence in these institutions has been stalled at just over one-fifth of the seats for several years now.

It is urgent that our respective parties take an interest in this frustrating problem. The low number of women in government is troubling, but I am very pleased that young Canadian women are working to find solutions. The McGill Political Science Students Association's Women in House program is part of that worthy initiative.

Established in 2001, the program's primary objective is to interest young women in political life in order to increase the number of women in government. The Women in House program is founded on the principle that to effect real change, women must work together and support one another.

So, every year, several McGill University students are given the opportunity to come to Ottawa. Participants take advantage of their visit to become familiar with parliamentary work from a woman's perspective and to network with women in politics.

This year's annual visit took place last week on November 20 and 21.

• (1415)

I therefore spent the entire day on Tuesday accompanied by Catherine Rosseau-Saine, a third-year student combining Honours political science with the social studies of medicine program.

She is a dynamic student who is motivated by the desire to play a genuine role in improving society. Throughout the entire time we spent together, Catherine demonstrated her passion for serving the public. Frankly, listening to young people such as Catherine, I am convinced that if our political system was more welcoming, and it was easier for women to enter politics, it would be to the great delight of many dozens of these young women. Full of enthusiasm, this next generation of politicians is already prepared to take up the torch and all they are waiting for now is the opportunity to become involved.

In closing, I would like to wish this excellent initiative all the best for the future and offer my congratulations to Chi Nguyen and Gallit Dobner, the women who first started the program, and to all the women who have ensured its coordination over the years. I would also like to extend my thanks to all the fine people inside and outside of this chamber who contributed to the success of this program.

[English]

THE LATE JOHN ALLAN CAMERON, O.C.

Hon. Jane Cordy: Honourable senators, Canadians have lost one of our music pioneers. John Allan Cameron, who was known as the “godfather” of Celtic music, died last week after a lengthy battle with cancer.

John Allan was studying for the priesthood in the 1960s when he realized that his calling might be spreading the music of Cape Breton rather than the gospel. He received a dispensation from the Pope to leave the seminary in 1964 and his career as an entertainer began.

John Allan was an exceptional performer, who thoroughly engaged his audience. Those of us fortunate enough to hear him clapped our hands and stomped our feet in time to the music. He always seemed to be having so much fun when he was on stage. As we say in Cape Breton, “It was like a big kitchen party,” and the audience felt part of the show.

John Allan opened the doors for so many traditional Scottish musicians, such as the Rankin Family, the Barra MacNeils and Natalie McMaster. He paved the way and was a mentor to many young musicians, in particular those from Cape Breton.

Always wearing his kilt, John Allan began his career on *The Don Messer Show* and *Singalong Jubilee*. He was on national television with his own shows, *John Allan Cameron* on CTV, and *The John Allan Cameron Show* on CBC. Many of the CBC shows were taped at Mount St. Vincent University.

In 2003, John Allan received the Order of Canada for his lifetime contribution to the arts and for the role he played in the promotion of Celtic music and culture. As the *Cape Breton Post* stated, “If Cape Breton music had a best friend, John Allan Cameron was it.”

While John Allan’s music will live on, he will be missed.

[Senator Pépin]

PUBLIC SAFETY

FIREARMS CENTRE— PROPOSAL TO ABOLISH LONG-GUN REGISTRY

Hon. Nick G. Sibbeston: Honourable senators, on Thursday Senator Milne spoke about the gun registry and mentioned the high level of gun ownership in the North. She also noted that death by guns on a per capita basis is higher than it is in the United States. Both of these facts are true, but the latter is not a result of the former. Newfoundland, for example, has the third highest gun ownership but the third lowest rate of firearm deaths. The North also has unacceptably high rates of suicide, violent crime and, especially deplorable, domestic abuse.

Honourable senators, the gun registry has not and cannot reduce these statistics. There is an underlying social reality beneath these conditions. The legacy of colonialism, racism, residential schools, alcohol and drug abuse are the factors that we must address. In some areas of the North, there are severe social problems that the long-gun registry will not resolve.

Guns are central to the traditional way of life practised by Aboriginal people for generations. We use them to hunt for our food and to protect us from predators not only in the bush but also in our communities. In my hometown, it is not uncommon to see bears frequently cross our yards throughout the summer, so it is necessary to have a gun handy. People in our communities know that preserving our traditional way of life is vital if we are to overcome the social problems we face. In reality, guns are not the problem in the North; they are part of the solution. The gun registry was designed for southern people with southern problems. It may be that they need it. In the North, however, it has been a failure. It has interfered with traditional lifestyles and generated anger and defiance.

• (1420)

I am glad the long gun registry is being cancelled. I hope the government replaces it with something sensible — and something that is good for the North; something that will also apply to the North. That is the reality of our situation. We have such diversity in the North and it is so different from the South that we need to deal differently with the gun situation.

Two winters ago, we went hunting and shot 21 caribou. Last fall, we shot two moose, seven caribou, one sheep and dozens of grouse.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

NOVEMBER 2006 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Auditor General’s November 2006 Report, pursuant to subsection 7.3 of the Auditor General Act.

DEPARTMENTAL PERFORMANCES

2005-06 ANNUAL REPORTS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Departmental Performance Reports for the period ending March 31, 2006.

STUDY ON CURRENT STATE OF MEDIA INDUSTRIES

GOVERNMENT RESPONSE TO TRANSPORT AND COMMUNICATIONS COMMITTEE REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of tabling, in both official languages, the government's response to the second report of the Standing Senate Committee on Transport and Communications, entitled *Final Report on the Canadian News Media*.

FOREIGN AFFAIRS

GLOBAL PARTNERSHIP PROGRAM—REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of tabling, in both official languages, the report by the Minister of Foreign Affairs entitled *Global Partnership Program: Making a Difference*.

[English]

FISHERIES AND OCEANS

BUDGET—STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS—REPORT OF COMMITTEE PRESENTED

Hon. Bill Rompkey, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Tuesday, November 28, 2006

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

FOURTH REPORT

Your Committee was authorized by the Senate on Tuesday, May 16, 2006, to examine and report on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget application submitted was printed in the Journals of the Senate of June 22, 2006. On June 27, 2006, the Senate approved the release of \$210,056 to the Committee. The report of the Standing Committee on Internal Economy, Budgets, and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

WILLIAM ROMPKEY, P.C.
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 851.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Rompkey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

COMMITTEE OF SELECTION

FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Terry Stratton, Chair of the Committee of Selection, presented the following report:

Tuesday, November 28, 2006

The Committee of Selection has the honour to present its

FIFTH REPORT

Your Committee recommends a change of membership to the following committee:

Standing Senate Committee on National Security and Defence

The Honourable Senator Tkachuk added as a member of the Standing Senate Committee on National Security and Defence for the substitution pending for the Honourable Senator Poulin.

Respectfully submitted,

TERRY STRATTON
Chair

The Hon. the Speaker: Honourable senators, when will this report be taken into consideration?

On motion of Senator Stratton, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1425)

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit today, Tuesday, November 28, 2006, even though the Senate may then sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

[English]

Hon. Anne C. Cools: Honourable senators, I wonder why it is necessary that the committee sit outside of its regularly scheduled time period. Could the Honourable Senator Comeau give an explanation? Unanimous consent should be rarely asked for and used. Increasingly, it is used as a matter of routine. There should be a good reason for this request.

Senator Comeau: Honourable senators, we have a great number of bills presently before this committee, starting with the message from the House of Commons on Bill C-2. The work has been stacking up before the Standing Senate Committee on Legal and Constitutional Affairs. As such, the committee wishes to spend some quality time on a great number of these bills. The committee would like permission to sit while the Senate is sitting today in order to proceed with this work.

Senator Cools: Honourable senators, I understand. Maybe I was not clear. I am trying to find out why the committee wants to meet today while the Senate is sitting. I am a member of this place and I know of the various references that have been made to the committee. I am just very curious as to why suddenly, out of the blue, the committee must sit today. One of the reasons I ask is that member senators are supposed to be able to plan their affairs and to live within a reasonable expectation that committees will sit at their scheduled times. We know that I am not a member of any committee, but it was very disturbing for me to just receive two hour's notice, after I had already scheduled all my affairs, that a committee was suddenly sitting.

The honourable senator says that the committee has before it Bill C-2. Do I understand him to say that the committee will be dealing with Bill C-2 this afternoon?

Senator Comeau: Honourable senators, I will check what in fact the committee will be dealing with.

This afternoon the committee will deal with Bill C-2 and Bill S-3. Over the coming days the committee will deal with Bill C-19, Bill C-16, Bill S-1001 and Bill S-213. This is a short week; we will not be sitting on Thursday in order that the other side can go to its leadership convention in Montreal. We will only be sitting today and tomorrow, and tomorrow will be a short day, wrapping up at 4 p.m.

We are getting close to the Christmas break. It is a matter of the number of hours this committee needs to put in. If the committee were to meet during the committee hours as scheduled by the Senate, it would not get through the government business and private members' business that needs to be tackled. With the Christmas break coming shortly, a number of bills would not be completed.

• (1430)

Senator Cools: Honourable senators, I am not receiving an answer that meets with my satisfaction. A few days ago, a member for the government rose and asked that the Legal Committee report on the message no later than December 7. When the

honourable senator chose that date, he must have had an idea that it would be a difficult target to meet.

The honourable senator is in charge of the agenda and was in charge of asking the Senate to set a date. Now he is saying that it is an unrealistic deadline to meet. As a result, he is now asking that we allow a committee to meet at irregular hours. I find that odd. The government is in charge of the agenda, and of moving business ahead in a timely way that does not put the entire system under terrible stress and strain.

The Hon. the Speaker: Honourable senators, the Deputy Leader of the Government, under Government Notices of Motions, has asked leave to move a motion. Is leave granted?

Some Hon. Senators: Agreed.

Senator Cools: No.

The Hon. the Speaker: Leave is not granted.

Are there other government notices of motions?

Senator Comeau: I ask for leave to move that the Standing Senate Committee on Legal and Constitutional Affairs have leave to meet when the Senate rises today at the completion of its business.

The Hon. the Speaker: The Deputy Leader of the Government is asking for leave of the house that, when the Senate rises today, the Standing Senate Committee on Legal and Constitutional Affairs be allowed to sit. It is my understanding of the rules that leave is not required for that request, that that is a matter between the whips.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit on Monday, December 4, 2006, Tuesday, December 5, 2006, Wednesday, December 6, 2006 and Thursday, December 7, 2006 even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

ADJOURNMENT

NOTICE OF MOTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That when the Senate adjourns on Wednesday, November 29, 2006, it do stand adjourned until Tuesday, December 5, 2006 at 2 p.m.

• (1435)

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY LITERACY PROGRAMS

Hon. Art Eggleton: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the future of literacy programs in Canada, the consolidation of federal funding and the role of literacy organizations in promoting education and employment skills in Canada.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on Human Rights which was authorized to examine and report upon Canada's international obligations in regards to the rights and freedoms of children, be empowered to extend the date of presenting its final report from December 31, 2006 to March 31, 2007 and that the Committee retain until June 30, 2007 all powers necessary to publicize its findings.

QUESTION PERIOD

FINANCE

INCOME TRUSTS—CHANGE IN TAX TREATMENT— INCOME SPLITTING PROPOSAL

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, previously in Question Period, we have asked the Leader of the Government in the Senate — and I bring it to her attention once again — about the dramatic reversal of the promise in the Conservative election platform not to change the tax treatment of income trusts.

In the days since October 31 when that announcement was made, the full impact of it is sinking in more and more with those people affected. Just to remind everyone, the market cap of the income trust index is around \$200 billion, and the loss so far is in the area of \$20 to \$25 billion for the people who had invested in that particular vehicle.

This announcement by the government has prompted a series of meetings among people affected and people who have an interest

in this area with the Department of Finance and, in particular with the Minister of Finance. As someone who commutes between Calgary and Ottawa, I think it is fair to say that people are beating a path to the door of the government to make representations on why this move is unacceptable. More important, however, is to convey that what was announced and the statement that elaborated on how the government intended to proceed is also unacceptable, and to make representations on what is wrong with it. The ways and means motion concerning this move was very brief.

First, can the minister confirm that these consultations are, in fact, being received with a view to modifying or improving what it is that the government will eventually bring forward as legislation, pursuant to the ways and means motion?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question.

Honourable senators, Minister Flaherty, as you know, took the decision on income trusts in the interests of tax fairness. There is no question, as I believe as he stated, that there are representations being made to him today by representatives of the oil and gas industry. As Minister Flaherty has said, he is quite willing to meet and discuss these issues with anyone who wishes to meet with him. He is absolutely more than willing to discuss future plans.

• (1440)

As for the decision the government made on income trusts, Minister Flaherty has stated many times that his decision will not be changed.

Senator Hays: If the minister can comment on some of the specifics, one issue that comes up all the time is the time frame in which investors and the income trusts themselves have to adjust to the new regime, which is four years, assuming the change is to remain in place as she says. Senator Grafstein dealt with this point earlier in a question, but can the Leader of the Government in the Senate confirm that this issue is the subject matter of reconsideration on the part of the government?

To highlight another major concern of the income trust industry and those who manage the trusts, there is a restriction of 15 per cent on the capital that the trust has in terms of how many additional units of an income trust can be issued to finance capital acquisitions or acquisitions of additional assets. Prior to October 31, that was unlimited. I am told the average amount of units issued based on capital is around 20 per cent. Therefore, can the Leader of the Government in the Senate please advise that the government is open to change on these two matters?

Senator LeBreton: The Minister of Finance has clearly stated he is not changing the four-year period that he announced on October 31.

Concerning the other matters to which the honourable senator referred, many are highly speculative, and I will simply take the question as notice.

Senator Hays: This is a dangerous area because people's investments are seriously compromised as a result of the announcement. Dramatic change would affect values for most

small investors, and their losses have already been realized. There tends to be a panic when there is an announcement in the nature of the one of October 31 and assets are sold. As I believe I mentioned in an earlier question, the lack of time between the announcement and its coming into effect, which was overnight, did not allow many of them to have an opportunity to consult with advisers, which I understand.

Nonetheless, the industry and investors are anxious to see change and to see the government open to change. I take it from the answers of the Leader of the Government that this is the case on all but the four years. We will see how strong those representations are. I hope at a later date that I will get a different answer.

One of the ameliorating features of the announcement was income splitting. It has come to my attention that the Canadian Association of Income Funds has come forward with the following statement:

The increase in the Tax Credit for Age and the splitting of pensions will offer marginal compensation, if any, to the great majority of investors who are struggling with heavy losses.

In other words, an attempt to reach out to seniors and retired people to soften the blow of the announcement has received this response. Is that another area where we can expect the government to be responsive to the many investors who have lost so much as a result of the change?

Senator LeBreton: There is no question that pension splitting has been tremendously well received by seniors' organizations and many Canadians. In addition, the age credit was increased by \$1,000 retroactive to January 1, 2006.

• (1445)

With regard to the people who sold quickly, as the honourable senator says, it was clear when the minister made the announcement on October 31 that the people who had money invested in income trusts had four years to divest. It is therefore unfortunate that people went right out and sold their investments, and perhaps did not first contact their investment dealers.

In his economic statement last week, the Minister of Finance laid out certain areas where the government is planning to proceed. There was some speculation about income splitting and other matters of interest. However, this was an economic statement and not a budget. The speculation arose, it seems to me, because economic statements in previous years had sometimes been treated as a sort of mini budget, and I think that is where some of the expectation came from.

The Minister of Finance is cognizant of all of the issues facing the income trust sector and the oil and gas sector, for instance, and he is meeting with the people involved. Last Friday, he addressed the Economic Club of Toronto, saying that he is more than willing to talk to anyone. He will not only take the opportunity to hear what people have to say but also to explain what he, as Minister of Finance, is doing on behalf of the government.

[Senator Hays]

Senator Hays: One of the representations by the energy sector is that they be exempted in the same way that real estate investment trusts are exempted. It is hoped that that will be seriously considered. A comment on that would be appreciated.

On November 21, when the Leader of the Government in the Senate answered a question — and I had not noted her answer until it was drawn to my attention — she indicated in her closing remarks that she has not seen any evidence that individuals have lost large sums of money. I wonder if she could clarify that for us.

Senator LeBreton: I suppose it is because I do not have a lot of money myself. I was making a personal observation, which is borne out by some of the comments I have read in the newspapers and in the public opinion poll. People do understand that the government had to make this decision. It was made in the interest of tax fairness. We could not tolerate a situation where large corporations were shifting the tax burden more and more on to the backs of low- and middle-income earners.

Insofar as the question about the oil and gas sector is concerned, that is for the Minister of Finance to respond to. I will simply take it as notice.

REGISTERED RETIREMENT SAVINGS PLANS— TAX TREATMENT

Hon. Hugh Segal: Honourable senators, I want to be clear that I am offering no advice, counsel or representation on the issue of income trusts. When the Leader of the Government in the Senate makes inquiries, as she has undertaken to do, could she look into the circumstance that senior citizens face, after they have turned their RRSPs into RRIFs, which they must do at a certain age. Under the tax laws of Canada, they must withdraw a certain amount every year. On that withdrawal, they are now taxed at the highest marginal rate when, in fact, over the years that they were, as modest investors, building up their RRSPs, most of the growth has been through capital gains.

Perhaps the Leader of the Government in the Senate might make inquiries in this respect, as to whether such seniors could be allowed to withdraw those monies at the capital gains taxation rate as opposed to the highest marginal tax rate. That would be a genuine relief for seniors, without causing any difficulty, I believe, to the fiscal structure of the country overall.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question and I appreciate it. I will be happy to refer that matter to the Minister of Finance.

I am closing in on the age when I will be in that same category. That is all the money that I have. I am not a wealthy person, as the honourable senator knows, but I will be very happy to refer the question to the Minister of Finance for a specific answer.

• (1450)

AGRICULTURE AND AGRI-FOOD

REDUCTIONS TO FUNDING OF ENVIRONMENTAL PROGRAMS

Hon. Tommy Banks: My question is to the Leader of the Government in the Senate.

In May, the government asked various government departments to remove the word "Kyoto" from climate change websites.

Senator Mercer: How much does that cost?

Senator Banks: In June, the government asked departments to take down the website all together; Climatechange.ca is gone; it no longer exists.

That seems to be a continued process, a measurement of where the government is going. According to the estimates tabled on September 26 by various government departments, there will be a further scaling back of government environmental spending. For example, Agriculture Canada, which spends \$331 million annually on environmental matters, will be spending less than one-half of that by 2008-09, \$158.5 million, on agricultural matters relating to the environment. Nothing could be more important in this country. Natural Resources Canada is showing further reductions in what that department will be spending as well.

Over the last six years it has been my privilege to get to know some of the people who work in various government departments on matters of the environment, as it is within the purview of the committee I chair. Those people are very committed and were hired not on just the basis of their objectivity, but for their knowledge and their commitment to the concept of sustainable development and interest in the environment.

Those people are now, according to reports, being asked to assist the government in finding ways to rationalize the government's reduction in attention and spending on environmental matters and to tell the government now what their reaction will be when these cuts take place.

That seems an awkward thing to do, to say to somebody, we will cut funding in your program area, which will probably result in the loss of your job; would you please tell us how to rationalize that and what your public reaction will be when that happens?

Are those reports at all true? Are employees being asked to do those things?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question.

First, with regard to the question about the word "Kyoto," I wonder if Senator Banks has looked at the Environment Canada website. There are many references to Kyoto on the website, including the minister's speech in Nairobi. If the honourable senator has looked on the Environment Canada website, he will see that the word "Kyoto" has not been removed.

With regard to the speculation in the newspapers, I have seen the same newspaper articles. I cannot in all good judgment comment on stories where people are making assumptions on the basis of something that has obviously been reported in the paper. Therefore, I will simply make a commitment to the honourable senator that I will make inquiries of the Department of Agriculture, because he specifically mentioned agriculture, as to what is the basis of these news stories and what, if anything, they have asked these employees to do.

NATURAL RESOURCES

POSSIBLE REDUCTION IN STAFF INVOLVED IN THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

Hon. Tommy Banks: We would be grateful for that. The website to which I referred was not the Environment Canada website. It was climatechange.ca which had "Kyoto" removed from it and then the website was taken down in its entirety.

In addition to the inquiry, would the Leader of the Government please ask NRCan, which intends to reduce its employees by about 300 between now and next year or the year after, how many of those employees are employees whose specific jobs deal with the environment and sustainable development, if any? There may not be any. Could the government leader include that with the answers she seeks to obtain?

• (1455)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I would be most happy to do that.

THE SENATE

HOUSE OF COMMONS MOTION TO DECLARE QUEBEC A NATION WITHIN CANADA

Hon. Lowell Murray: Honourable senators, is it the intention of the government to present to the Senate a motion identical to that which passed the House of Commons last night?

I seem to recall that 10 or 11 years ago, when the House of Commons passed a motion initiated by the Chrétien government to affirm the distinct society and to pledge that Parliament would be guided by that fact, that reality, that the motion, after it was passed by the House of Commons, was presented to and approved in this place.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that question. As he knows, the motion the Prime Minister tabled in the other place was in response to a motion that had been placed by the separatist Bloc Québécois; and it is not the intention of the government to place a motion before the Senate.

JUSTICE

JUDICIAL APPOINTMENTS—PROPOSAL TO PLACE POLICE REPRESENTATIVES ON SELECTION COMMITTEES

Hon. Lorna Milne: Honourable senators, my question is to the Leader of the Government in the Senate.

Last week, Statistics Canada released figures showing the country has more police officers than ever before. Now the Minister of Justice proposes to put police representatives on the committees that select federal judges. This would, in effect, give the government the balance on these committees and allow them to politically control all future judicial appointments.

The Chief Justice of the Supreme Court of Canada believes this is wrong; the Canadian Bar Association believes this is wrong; and I believe ordinary Canadians believe this is wrong.

Keeping in mind that accountability is what ordinary working Canadians, people who pay their bills and taxes, expect from their political leaders, when will the Leader of the Government in the Senate tell the Minister of Justice to be accountable, and that this plan to politically control the judicial selection process is unacceptable to Canadians?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question.

Honourable senators, I have no intention of telling the Minister of Justice any such thing. I have noticed the objections of the Chief Justice of the Supreme Court of Canada and the Canadian Bar Association. I am very familiar with the judicial review process; I worked with it for many years myself. I do not believe it will politicize the process by adding an individual to represent the police, who are the very people that must deal with the victims. They are the first responders to people that have suffered at the hands of criminals.

Senator Milne: Honourable senators, since the Leader of the Government in the Senate is unwilling to take the principled action of advising the Minister of Justice that his proposal is dangerous and undemocratic, perhaps the honourable senator could bring forward a proposal to include others in the selection process of our judges. I can think of other knowledgeable members of the community — perhaps ministers or rabbis, victims of crime, prostitutes and the wrongly accused.

Honourable senators, can the Leader of the Government table the appropriate section of the Conservative Party of Canada's election campaign documentation where it asks Canadians for a mandate to have the Prime Minister and the Minister of Justice make such basic changes to one of the foundation blocks of our democracy and the rule of law, an impartial and apolitical judiciary?

Senator LeBreton: Our government, like any government, supports an impartial and apolitical judiciary. I fail to see how adding one more individual to an advisory body advising the government on judicial appointments is undemocratic. As a matter of fact, I have had the opposite feedback from people. They believe that it has been too restrictive and are delighted that one additional person will be added to these various selection committees across the country. Who better than a police representative, a person who ultimately works with the justice system and, in many cases, represents the person who has been victimized by crime?

Senator Milne: I have a supplementary question for the Leader of the Government. I believe that the courts have always listened to the evidence before them that is presented by lawyers of the accused, on the one hand, and by the police, on the other hand. Now, the government is asking the police to have a hand in the selection of judges, who must eventually judge the police. I think

this is absolutely wrong and is counter to Canadian democracy. The honourable leader can take that for a question if she so chooses.

Senator LeBreton: Honourable senators, I believe that Senator Milne is suggesting that anyone who is a prosecutor or a criminal lawyer should not be a judge, according to her argument. I have gone through the court process, the Crown presented the case on behalf of the victims, and the defence lawyers presented the case on behalf of the accused.

It does not make sense to me when I hear Senator Milne talk about an impartial judiciary and make the example of police appearing before the courts. Many current judges worked in the judicial system as either prosecutors or defence lawyers before becoming judges. Using the logic of the honourable senator, neither prosecutors nor defence lawyers would be eligible for judgeships.

Hon. Yoine Goldstein: Honourable senators, the hallmark of the judicial system and judges is to act and behave independently. The hallmark of law enforcement officers is to enforce laws.

Can the Leader of the Government in the Senate tell the house if any other countries in the world have law enforcement officers sitting in judgment and determination as to who will sit as a judge in that country?

Senator LeBreton: Honourable senators, many countries in the world do not have a system of judicial advisory bodies. As I mentioned in my answer to the Honourable Senator Milne, I once worked with such judicial advisory bodies. As honourable senators know well, many countries have no such system. I fail to see how adding another individual from outside the legal community to the judicial advisory group would be deemed undemocratic and how that would not be, ultimately, of great assistance to the judicial advisory group in selecting potential judges.

Senator Goldstein: I will make the question more precise. All Commonwealth countries enjoy the same kind of system in respect of the appointment of judges that we enjoy. Can the leader point to any Commonwealth countries that have police determining who will be judges?

Senator LeBreton: That is an interesting bit of history because the judicial advisory system in this country is relatively recent, having been started by the government of former Prime Minister Mulroney. This is not a hard and fast rule in Commonwealth countries but, in response to the honourable senator's question, I will ask the Minister of Justice and his officials to provide the house with models of such countries.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to a question raised on November 1, 2006, by Senator Banks regarding the abolishment of the Law Commission of Canada.

JUSTICE

ABOLISHMENT OF LAW COMMISSION OF CANADA

(Response to question raised by Hon. Tommy Banks on November 1, 2006)

The *Law Commission of Canada Act*, which brought the Commission into being, was passed by Parliament and came into effect over one decade ago. To borrow the precise words of Senator Banks, the “express will” of this current Parliament is voiced through the Budget. That budget, which included a promise to cut spending, was voted on and passed in Parliament earlier this year, in 2006, by all parties. Parliament’s will is being carried out right now. Canadians want tax savings. The people of Canada voted this Government into power on the promise of fiscal restraint.

One of the promises in that Budget is to save Canadian taxpayers \$2 billion. The decision to cut funding to the Law Commission of Canada was one of many decisions made on September 25 to comply with the Government’s promise to the Canadian public in the budget to find \$1 billion in spending cuts for taxpayers this year.

Spending efficiencies are a high priority for Canadians. Efficiency was achieved in this case by eliminating overlap and duplication in services. Commissioning independent contractors to do legal research and to conduct public consultations on law reform are both functions that the Law Commission of Canada performed. Various other sectors within Canadian society also have capacity to do both. As the Honourable Minister of Justice stated in his appearance on Monday, November 6, 2006, before the House of Commons Standing Committee on Justice and Human Rights, we believe Canadians would agree that using taxpayer dollars to fund research that was not used nor even requested by the former government, and leaving most of it languishing on a shelf, was a waste of money.

Our goal was immediate savings. By cutting funding to the Law Commission of Canada, Canadians are saving \$4.194 million right now, and that money is now going directly to help pay down the debt.

• (1505)

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before we proceed with Orders of the Day, I am pleased to introduce two House of Commons pages who are participating in the page exchange this week.

[Translation]

Stéphane Doucette-Prévile is a student in the faculty of health sciences at the University of Ottawa. Stéphane is from Edmonton, Alberta.

[English]

Julian Gill-Peterson of Burnaby, British Columbia, is enrolled in the Faculty of Arts at the University of Ottawa.

ORDERS OF THE DAY

PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT INCOME TAX ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Meighen, for the second reading of Bill C-25, to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act.

Hon. Wilfred P. Moore: Honourable senators, it is a pleasure to rise today and speak to Bill C-25, An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make consequential amendments to another Act. Senator Angus has spoken very well regarding this bill when he moved second reading, and, as we are in agreement with the goal of this bill, my remarks will be relatively brief.

Canada is a signatory member of the Financial Action Task Force on Money Laundering which was created in 1989 at the G7 summit in Paris. The task force was created in response to the growth of money laundering worldwide and the threat of it to the stability of international financial systems. The task force has the responsibility of studying money laundering techniques employed by criminals, and the counter-actions used to combat this type of crime both on a national and international level. This information is evaluated and recommendations are made as to what actions need to be taken by the member states to continually update the tools used to combat money laundering.

The task force created a set of 40 recommendations in 1990 which was meant to provide a wide-ranging plan of action to be employed in the fight against money laundering. The task force has expanded not only its membership, from the original 16 members in 1989 to the current 33 members today, but it has also added to its mandate the development of standards required to fight terrorism as well.

Since its inception, the task force has continued to examine the developing trends in money laundering techniques and the manner in which the member countries have complied with its 40 recommendations. In 2003, the task force amended these recommendations and added six special recommendations as well. There have been two rounds of mutual evaluations completed and a third round has commenced. Canada, as you have heard has been serving as the chair of the task force since July 2006.

Under the current framework of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, there are two separate parts. Part 1 deals with the requirement under the act of financial intermediaries dealing with due diligence, customer identification, record keeping and the duty to report suspicious and prescribed transactions. Part 2 of the act, which is administered by the Canadian Border Services Agency, includes the requirement to report cash imports or exports over \$10,000 in value.

It is Bill C-25 which will serve to update our regime in the fight against illegal proceeds of crime and also bring us to the standard of the task force's recommendations against which we are being measured. It will also meet the recommendations made by the Auditor General in her 2004 report, specifically in chapter 2 entitled, "Implementation of the National Initiative to Combat Money Laundering."

• (1510)

According to the Department of Finance:

The bill proposes to enhance the provisions of the existing Proceeds of Crime (Money Laundering) and Terrorist Financing Act by strengthening "know your client" standards; closing gaps in the regime; increasing compliance, monitoring and enforcement; and strengthening FINTRAC's intelligence function.

As Senator Angus explained in his remarks, FINTRAC, the Financial Transactions and Reports Analysis Centre of Canada, is the intelligence unit we employ to combat money laundering. Created in 2001, FINTRAC collects and analyzes data and, when deemed appropriate, discloses this information to the appropriate authority, to assist in the fight against money laundering, terrorist financing and/or threats against Canada.

The proposed enhancements to the act include enhanced client identification and record-keeping measures for financial institutions and intermediaries; the reporting of attempted suspicious transactions; a registration regime for money service businesses and foreign exchange dealers; enhancing the information contained in FINTRAC disclosures; creating an administrative and monetary penalties regime; expanding information-sharing between federal departments and agencies; and technical amendments to improve the act.

As honourable senators know, the Standing Senate Committee on Banking, Trade and Commerce was in the midst of conducting the statutory five-year review of this legislation, which resulted in our interim report entitled *Stemming the Flow of Illicit Money: A Priority for Canada*. Thus, we have a good basis already for a renewed study into these proposed amendments. I look forward to re-examining some of the issues we came across during that study in the context of these new amendments.

For example, during the course of our study it was recommended that dealers in precious stones and metals should be required to report to FINTRAC suspicious cash transactions of over \$10,000. This now might be looked into again.

The treatment of lawyers under this act needs further study. We have learned that negotiations between the Federation of Law Societies and the federal government continue. However, as Senator Angus mentioned, we must look deeper into this to fully understand the situation in Canada and internationally in order to deal with any real or perceived gaps.

Our committee also recommended that we look into the \$10,000 threshold contained in the Proceeds of Crime (Money Laundering) and Terrorist Financing Act to determine whether that is an appropriate level for Canada and consistent with other countries.

Also, we recommended that FINTRAC be required to provide information to foreign financial units only in countries that have similar privacy legislation to Canada. This will require more study.

Thus, we are in agreement with the thrust of the legislation and the need to strike a fair balance between oversight and the privacy of Canadian citizens, as well as attempting to treat our business community fairly. It is with this in mind that I urge that we pass second reading of Bill C-25 and move it to the Standing Senate Committee on Banking, Trade and Commerce.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Angus, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Catherine S. Callbeck: Honourable senators, I am pleased to take part in this debate in response to Bill S-4, which proposes to limit the tenure of senators to eight years.

I want to first congratulate the government for its stated intention to introduce reforms to the Senate. The Speech from the Throne stated that the government was committed to "explore means to ensure that the Senate better reflects both the democratic values of Canadians and the needs of Canada's regions." I, too, am in favour of reforms that would help to improve the effectiveness of the Senate and its contribution to the people of Canada and its regions.

That being said, however, I cannot support this bill to limit the tenure of senators to eight years. I am opposed to this proposal for one fundamental reason: It represents a piecemeal, incremental, step-by-step approach to reform, the consequences of which are unknown and which may lead to creating more problems than they resolve.

Honourable senators, if the Senate is to be truly reformed, then let us do so in a comprehensive way. Real reforms do not happen one piece at a time. They are not carried out in a step-by-step

fashion. They take into account everything that must be considered if real reform is to take place. As the committee report itself has pointed out, we must be careful when contemplating reform to ensure that changes are built on the Senate's institutional strengths.

As I already said, I am opposed to reforms that are carried out in a piecemeal, incremental, step-by-step process. The idea of responsible government in Canada did not take place one step at a time. It involved a fundamental transformation of the relationship between people and their government. The abolition of slavery was not accomplished by extending rights to people one piece at a time. It involved a declaration that henceforth people would live in freedom. The Berlin Wall did not come down one brick at a time. It came down because the reasons for its existence were eliminated, and it brought into being a new world order.

In much the same way, if we are to have Senate reform, let us have real reform. Let us, with conviction and vision, institute the kinds of fundamental measures that are needed to achieve the goals of real Senate reform.

In the words of the Swedish Nobel Prize winner Gunnar Myrdal, "Often it is not more difficult, but easier, to cause a big change rapidly than a small change gradually." We should be debating the big change.

If the Senate is to change, then it must be changed in accordance with the wishes of the people of Canada. The Senate does not belong to us. It does not belong to the Government of Canada. It does not belong to provincial or territorial governments. The Senate belongs to the people of Canada, and it is they who must be involved in any reform.

That means the people of Canada need to know more about the Senate, why it exists and what it does. The Senate is perhaps one of the least understood of our public institutions. Most Canadians are unaware of the significant contributions the Senate makes to our parliamentary process, because these contributions do not make for interesting stories in the media. As a result, Canadians do not hear about the Senate's role in reflecting minorities, such as First Nations and Inuit. Many do not know that the Senate was established to represent the regions of this country. Canadians are not made aware of the valuable work of the Senate in contributing to the development of public policy.

We should not be proceeding with changes in the character and nature of the Senate without the informed involvement of the people of Canada. Therefore, before we proceed to tinker with some fundamental characteristics of the Senate, its membership and its functions, let us first ask Canadians what they want to see in their Senate. Let us find out from the people of this country what kind of Senate they want.

We also need more consultations with other jurisdictions. Let us hear more from the provinces and territories about their ideas and expectations of Senate reform. After all, the Senate was established in the first place to represent the regions, and to protect and promote their interests and needs.

In short, I am saying that any Senate reform should not proceed without more involvement and participation from the provinces, the territories and the people of Canada. As a representative of

the Government of Saskatchewan told the committee studying Bill S-4, the process of Senate reform must engage Canadians in a dialogue that would define a purpose for comprehensive reform.

• (1520)

There is another important reason for not proceeding with Senate reform on this kind of a piecemeal basis. As many members have mentioned, the specific measure that has been proposed raises a fundamental constitutional question. While I recognize that opinions are divided on the question of whether Parliament can proceed on its own with implementation of Bill S-4, it is very likely that the constitutional question will arise. That is because a proposal to limit the tenure of senators could fundamentally change what has been termed the "essential characteristic" of their independence. The "essential characteristic" of senators is a reference to their independence and the terms of their appointment. It can be argued that limiting the tenure of senators raises a constitutional question regarding their independence.

This view is supported by the Supreme Court of Canada. In 1980, the Supreme Court responded to a reference case brought before it concerning the legislative authority of Parliament in relation to the Upper House. At that time, the Supreme Court ruled that:

...it is not open to Parliament to make alterations which would alter the fundamental features, or essential characteristics, given to the Senate as a means of ensuring regional and provincial representation in the federal legislative process.

Limiting the tenure of senators could indeed change the nature of their representation in the federal legislative process. That may be the view of some Canadians and, consequently, a constitutional challenge to the proposal may arise. That is why it is so vitally important that the process of reform is one that conforms to constitutional requirements. It is not at all clear that Bill S-4 does that, and the very fact that there is a possibility of a constitutional challenge must be acknowledged and dealt with.

There is a further reason that I cannot support Bill S-4, and that is the interrelationships within which the Senate operates. The Senate does not exist in isolation from other aspects of the parliamentary system, the courts, the executive branch of government or other provincial and territorial governments. It does not operate apart from this country's political processes. Any changes to the Senate must be considered in relation to other aspects of our governmental and political system.

The simple fact is that we do not know fully what the implications of this proposed reform will be. There are still questions that need to be answered. Are the terms renewable? If they are, what does that mean in terms of giving greater power to the Prime Minister? In what way does that affect a senator's independence? It has even been pointed out that term limits, in themselves, would not result in much real improvement.

The government has suggested that limiting the term of senators is part of the beginning of a process which will ultimately see the election of senators. If so, how will they be elected? Will elections be held at the same time as elections to the House of Commons? How will elections ensure that the traditional makeup of the

Senate, in terms of minorities, will be maintained? Will elections take place on the basis of proportional representation, as some have suggested? If senators are elected, how will this affect the relationship between the Senate and the House of Commons? Could it lead to deadlocks? Will the capacity for non-partisanship and sober second thoughts be reduced? Will the election of senators result in greater political party influence and more attention to constituency duties?

The Prime Minister has said that Bill S-4 may be followed by later steps. What are those steps? Are they steps that Parliament can take on its own, or in consultation with provinces and territories? Do they involve constitutional changes? Again, are we committing ourselves to a process of piecemeal changes; changes that, when taken together, could create more problems than they resolve?

There is certainly no unanimity among the provinces and territories on Senate reform. We certainly have not heard from Canadians on their preferences. We must be careful about how we proceed lest we make some irrevocable mistakes. We must be careful about tinkering with an institution that has demonstrated its durability for more than a century.

Honourable senators, as I have attempted to explain, the proposal before us may leave us with more questions than answers. This legislation has come before us with little consultation with the provinces and territories. There have been no real consultations with the people of Canada. The approach to Senate reform must take into consideration the future role of the Senate as part of Canada's governmental and political structure.

I strongly believe that we must always be open to reforms. However, we must be wary of reforms that are politically inspired, constitutionally suspect and that threaten to undermine the historic roles and responsibilities of the Senate.

My principal objection is based on my belief that if we are to achieve real reform, we must do it with a comprehensive, broad-based approach. I must strongly object to reform on a piecemeal, step-by-step basis. That is no way to achieve real reform.

On motion of Senator Milne, for Senator Grafstein, debate adjourned.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-220, to protect heritage lighthouses.—(*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey: Honourable senators, I will not take up a great deal of the time of the house. This bill has been around for some time now, in several incarnations. I, like Senator Comeau, want to pay tribute to Senator Forrestall, who first began the introduction of the bill and pursued it energetically. I recognize

his efforts, and I hope we will agree to support his cause. It is an important cause for people on both coasts.

Lighthouses are and have been associated with marine life for many years — for decades, indeed centuries. I think they need to be preserved. I cannot think of another example of an item that reflects our marine heritage better than a lighthouse.

Some of them are preserved already. I can think of a number that I have encountered in the past few years where people have made a good job of preserving such heritage lighthouses and thus their effect on our culture. I can think of one on the northern peninsula of Newfoundland, which happens to be on an island. Senator Comeau referred to how many of them are on land and not on islands, and some are. One that is on an island on the northern peninsula has been turned into a bed and breakfast inn and has been doing well as a tourist attraction. That one is privately owned. I can think of another in Trinity Bay that is on a walking trail and again reflects the heritage and culture of that region in a meaningful way. The one at Cape Spear, the most easterly point in North America, is preserved as part of Parks Canada heritage and is part of a national park. There are several manifestations of how we can preserve lighthouses on both the east and west coasts.

I want to stand to support Senator Carney. She is snowed in in British Columbia today and cannot be here. On her behalf, I would now move that the house do approve this bill, and that the bill be referred to the Standing Senate Committee on Fisheries and Oceans.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

• (1530)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on Fisheries and Oceans.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

EIGHTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Committee on Internal Economy, Budgets and Administration (committee budget—legislation), presented in the Senate on November 23, 2006.—(*Honourable Senator Furey*)

Hon. George J. Furey: Honourable senators, I move the adoption of the report.

Hon. Terry Stratton: For the record, will Senator Fury indicate whether any of the budgets being submitted for approval today contain significant travel?

Senator Fury: No. This report refers only to the economic increase for senior executives, bringing them in line with Treasury Board guidelines.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Agriculture and Forestry (budget—study on the present state and the future of agriculture and forestry in Canada—power to hire staff), presented in the Senate on November 23, 2006.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON RURAL POVERTY—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Agriculture and Forestry (budget—study on rural poverty in Canada—power to hire staff and travel), presented in the Senate on November 23, 2006.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn: Honourable senators, I move the adoption of the report.

Hon. Terry Stratton: Honourable senators, I believe that this report on the study of rural poverty involves significant travel throughout the country.

Senator Fairbairn: That is correct. The Standing Senate Committee on Agriculture and Forestry has undertaken this work at the initiative of Senator Segal and also because it has been an issue of interest for our committee for a number of years. Rural poverty is one of the major economic and social issues in this country. We have been holding hearings here in Ottawa this fall to hear from those who have informed themselves on this issue.

It is our plan for the new year to travel to where rural poverty exists. The committee does not wish to pick and choose but rather wants to visit every province and territory of this country so that, rather than just hearing statistics, we can listen to people from communities that are at tremendous risk. That is why the issue of travelling arises.

We are very careful with our funds. We are not traveling outside the country but will instead use video conferencing.

The answer to the honourable senator's question is that we are travelling.

Senator Stratton: Honourable senators, I stated in the Internal Economy Committee that I will not support travel for any committee until we have a proper reporting system in place subsequent to the travel. When a committee returns from a trip, we hear from the table officers only that the committee was under budget. I believe we must ensure that the chamber understands how the money is spent on each trip.

On that basis, while I approve of the trip for this excellent study, I cannot support the motion.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Stratton: On division.

Motion agreed to and report adopted, on division.

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on National Security and Defence (budget—release of additional funds (study on the need for a National Security Policy)), presented in the Senate on November 23, 2006.—(*Honourable Senator Kenny*)

Hon. Colin Kenny: Honourable senators, I move the adoption of the report.

Hon. Terry Stratton: Honourable senators, I cannot support this motion for the same reasons I gave with respect to the report of the Agriculture Committee.

I believe that the cost of the planned trip is in the neighbourhood of \$133,000. Senator Kenny said in *The Hill Times* recently that the first trip of the committee to Europe and the Middle East was significantly under budget. I believe that the original budget for that travel was from \$238,300 to \$242,8000.

Could Senator Kenny explain how that first trip was significantly under budget? The chamber cannot consider the cost for the second trip in isolation from the cost of the first trip. It cost the Canadian taxpayers a significant sum of money. I would like an explanation of how the first trip came in significantly under budget so that we can understand and consider the trips in combination.

• (1540)

Senator Kenny: I would be happy to do my best to answer that question. It is frugality. The committee is very careful with how it spends money. The honourable senator, as chair of the budget subcommittee, has established a formula, and we follow the formula precisely when submitting the budget. We proceeded to

under spend what we were required to submit in the original budget. That explains the fact that we came in under budget.

Senator Stratton: My second question will be how many senators went on the trip? As I understand it, there were four. However, the budget clearly calls for seven senators to travel, and the cost for each airline ticket is budgeted at \$18,000. If only four senators travelled, that means you had a surplus in your budget of \$54,000 for airfare, plus the savings on hotels, per diems and incidentals. Without stretching too much, the cost savings were significant indeed. If you knock \$60,000 off the roughly \$240,000 originally budgeted, you come in at \$180,000 for the trip. It is significantly under budget but does not reflect any frugality that I can see, unless the honourable senator has a better explanation than I do.

Hon. Anne C. Cools: I am not too sure, but I suppose the last senator was asking questions. At first I thought he was rising to speak. Was that to be taken as a speech?

Senator Stratton: I was asking a question.

Senator Cools: I wanted to ask a question of the last speaker, who was Senator Stratton.

Senator Stratton: You cannot do that, Senator Cools.

Senator Cools: May I? I understood Senator Stratton to say that he is disagreeing with any further committee travel. I am not quarrelling or taking issue with that statement. My question of concern deals with his statement, and I do not remember his exact words, but something to the effect that he is not prepared to agree to this report because there is not a proper financial reporting process in place. Am I correct; is that what he said? Maybe I misunderstood.

Hon. David Tkachuk: Point of order.

The Hon. the Speaker: Senator Tkachuk.

Senator Tkachuk: This is unusual procedure. Senator Stratton asked a question of Senator Kenny. Senator Kenny did not reply to the question. Senator Cools then asked a question of Senator Stratton who did not make a speech but asked a question. If Senator Cools wants to get in on the debate, she should be asking Senator Kenny a question. The honourable senator should not be asking the questioner a question, unless we are changing the rules. We will go on from there.

Senator Cools: I am not asking the questioner a question. There is no point of order.

Senator Tkachuk: I raised the point of order. The Senate does not belong to you. The Senate belongs to all of us.

Senator Cools: I know that; I belonged before you.

The Hon. the Speaker: On the point of order of Senator Tkachuk. Are there any further comments?

Senator Cools: The point of order names me directly, honourable senators. I was attempting to clarify from Senator Stratton if I heard correctly. I had not asked him a substantive question; I was merely seeking a clarification that what

I understood was what he said and what he meant. There is no other way to seek a clarification of what a senator meant or said than to ask him. That is the nature of debate of this chamber. We must address each other, speak to each other and are free at any given moment to ask each other a set of questions.

I understand Senator Tkachuk has couched this as a point of order. I fail to see what the point is, and I fail to see what the question of order is, because what is before us is a motion moved by Senator Kenny. A speech was not made by Senator Kenny. Senator Stratton rose and outlined, before he asked questions, a state of disagreement with some travel and then raised a question that concerned all senators, which is the nature, quality, or standard of financial reporting of committees in respect of travel.

Until it can be clarified that I heard correctly I may be in danger of misinterpreting the honourable senator and repeating the same mistake I might have made previously, which is a terrible predicament to be in and one I would think somebody would want to correct.

Therefore, I do not see what the point of order was. I do not see that my question was in any way out of order. My question, as I said before, had to do with a clarification: Did Senator Stratton say what I thought he said? If he did not, I would like to know what he really said.

It is not right for me to have to ask the Speaker of the Senate to clarify what Senator Stratton said. This is the Senate; it is not the House of Commons. Therefore, I may be forced to repeat to Senator Stratton, but the issue before us is as clear as mud right now because my question to Senator Stratton is not out of order.

There can be no point of order around the fact that I, a senator, asked for a clarification as to what Senator Stratton meant because I did not say anything substantive. It was merely attempting to clarify what was actually said. Therefore, there is nothing for the Speaker to rule on.

I hear my honourable friend Senator Angus running a commentary on me. He does it a lot. It is not a nice thing to do, but he does it a lot. A few days ago he said a few things about me that I would not repeat.

Honourable senators, if I have something to say, I will get on my feet and say it and face the house and take responsibility. I invite all senators who feel compelled to say something to get to their feet and take responsibility. Quite frankly, in life, it is not difficult at all.

If the Honourable Senator Angus has something to say about me, he should rise and say it so we can all hear it.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, Senator Tkachuk was trying to ascertain whether the debate we are having on the report before us was proceeding with a good degree of order. There was some question about a practice that has been ours, particularly in dealing with reports, whereby the chair of the committee is questioned often because he or she has special technical information.

I thank Senator Tkachuk for raising the point of order because it was important at this juncture to bring order to this matter.

Senator Cools is also right because Senator Cools was rising to make question and comment, provided by the *Rules of the Senate*, of an intervention by Senator Stratton. With respect to questions and comments after an honourable senator speaks, certainly, comments can be made and a question can be raised, but there is no obligation on the honourable senator who has spoken to answer the question.

• (1550)

Therefore, honourable senators, we are in debate, and it is a debate on the report of a committee. The practice of the house has been to allow some flexibility for purposes of technical information from a chair. However, it is debate, and these things are much better resolved through debate than by any intervention of the senator who sits in this chair.

Senator Stratton: I will go through the process again. Senator Cools may not have been in this chamber or she may have been temporarily absent at the time that I gave the original explanation to the chair of the Agriculture Committee.

What I had stated was that we need to have a proper reporting system in place post-trip, in other words, after a committee has returned from a trip, because right now all we are told is that the committee took the trip, that they came back, that they were under budget and that there is a clawback. As chair of the Subcommittee on Budgets and Administration, I feel strongly that we need a better system, such that we can look at the breakdown of the budgets.

For example, as I said to Senator Kenny on his original travel for September 2006 to the Middle East and Europe, the budget clearly stated that seven senators were budgeted for \$18,000 each to travel business class on that trip. The fact of the matter is that only four senators travelled, leaving a surplus of \$54,000 plus the per diems, incidentals and hotel accommodations for three senators who did not travel. I had identified simply that there would be a projected saving of some \$60,000 on a budget of \$240,000, because Senator Kenny had come back and, in an article that appeared in *The Hill Times*, he said that his committee was significantly under budget by something like \$55,000.

Senator Kenny then responded to my original question, saying that they had done it through frugality. I have not received an explanation from him as to how they achieved these savings through frugality.

Therefore, I feel it is important for this chamber to understand and have a proper reporting upon the return of any committee after it travels, in that they account for how the money in each category was spent, for example, on air transportation, ground transportation, per diem, incidentals, hotel accommodation, miscellaneous and others. That is the only way in which we can properly understand and control expenditures. It would help everybody to better understand the process.

Senator Cools: I thank the honourable senator for that explanation. I was here when the honourable senator provided that statement to Senator Fairbairn's remarks. I listened carefully

at that time to everything that the honourable senator said. The only thing I was a little bit uncertain about was whether he had talked about a proper reporting process or a proper reporting system. That is what I was trying to get at in my previous question, which was transformed mysteriously into a point of order.

Senator Stratton has raised a couple of other issues. For example, he talks about the committee's coming back under budget, and so on. However, when someone chooses to engage in a dialogue and places particular words before us, those words have a way of inviting different kinds of thoughts and different kinds of mental considerations. The words that he used just now were "proper reporting system," so he was suggesting that, somehow or other, the existing reporting systems are improper. Further, because they are improper, somehow or other they are not only insufficient but there is also an impropriety. The reason for questioning this is that one can think that reporting systems may be insufficient, one can think that they may be inadequate but it is another thing to suggest that there is an impropriety or that they are improper.

I just wanted to ensure that I understood the difference, that I heard it correctly. If there is a lack of propriety in our reporting systems, first, it would come as quite a surprise to me. I would be shocked, and I would be the first person to want to condemn that. However, in all my years of service, I have found, frankly, that the business of getting the Internal Economy Committee or senators in general to agree to the expenditures and budgets of committees is no simple process but is, quite often a fair one. I am surprised to hear this process is somehow or other being impugned in the honourable senator's comments. That was what I wanted to state. It is one thing to agree; it is another thing to disagree but something else yet again to impugn and to question the propriety of other senator's actions.

In any event, I was hoping for some clarification in that respect. Maybe it is my own naivety in a sort of way. If there is inadequacy in the systems, I am sure we will want to move forth to correct that. In the meantime, I would say there is no impropriety, from my impression of things. I do not think it is very fair to senators to use words that invite or invoke suspicion, or even create the hint that somehow or other there is an impropriety in expenditure.

In any event, while I am on my feet, I might as well thank Senator Kenny for his good and excellent work in the field of defence and security. I will not name the individual, but yesterday I had a meeting with an individual in my office and, of course, the honourable senator's name came up. This is someone whom I would describe as an authority on defence and security in this country, and he personally conveyed to me, as I to him, the view that the Honourable Senator Kenny's contribution in the field of defence and security in this country has indeed been profound, and that this committee has brought home to Canadians the importance of defence and security and a real comprehension of the seriousness of these issues. I thank the Honourable Senator Kenny for that.

In any event, honourable senators, I see no signs of impropriety in the reporting system. I would just like to put that on the record.

The Hon. the Speaker: Further debate?

Hon. Tommy Banks: Since we are in debate, Your Honour, I wish to associate myself with the remarks that Senator Cools has just made — not always with their length, but with their point.

I would say to the Honourable Senator Stratton that no one appreciates any more than anyone else in this place the importance of propriety, transparency and the adjudication of what Senate committees do by the Senate, directly on the floor here, and by this committee of Internal Economy. That committee, as the honourable senator knows, applies glaring scrutiny when senators appear before it as chairs of committees to answer not only what we are about now and what is in the present application, but also what we did last time. I have been in that position, so I know that to be true.

• (1600)

I can speak with a certain objectivity here. I do suggest that we did not, in the Standing Senate Committee on National Security and Defence, spend \$18,000 on each of those airplane tickets and that we saved more than \$60,000 on that trip by means which can be reasonably described as frugality, great care having been taken.

The committee of which I have the honour to chair is not contemplating travel this year and therefore came before the Internal Economy Committee, as honourable senators will recall, with a budget that contained no travel, but it has travelled before and will do so again.

All the members of my committee are more than 21 years old and have been around here longer than I have. I trust their judgment when they decide upon a work plan and its approval, which they make unanimously before we go to the budgetary subcommittee, and the propriety of what we will do and the associated costs. Those things are discussed at great length in our committee, which is why our applications made to the Standing Committee on Internal Economy, Budgets and Administration for funds are unanimous.

I am curious to know what the honourable senator has in mind by way of an adjudication or a judgment being made after the fact as to what a committee did and whether it spent that money properly on a work plan that had been approved first by the budget subcommittee, then by the Standing Committee on Internal Economy, Budgets and Administration and then by the Senate, here on the floor of this chamber.

What group of senators will place themselves in a judgment that is superior to that process? What process could possibly put into place a group of senators who are wiser and better adjudicators of what my committee or any other committee has done in the course of its work? Every senator among us is better equipped than I to make that judgment, but which honourable senators among us are better equipped than a committee itself to make that judgment and then to justify that judgment and what it did before the Standing Committee on Internal Economy, Budgets and Administration when it next applies for money?

I do not think that there is such a thing, and if there is, I think that the honourable senator should put forward a proposal to say: Here is the board before which a committee should be obliged to go to explain what it did before it can apply for more money from the Senate to do its job.

Senator Stratton: In explanation, Senator Banks, no one is questioning. As I said to honourable senators before, when I started this whole process, both with the Chair of the Standing Senate Committee on Agriculture and Forestry and with the Chair of the Standing Senate Committee on National Security and Defence, I do not question the trip. That is the decision of the committee. The committee develops the budgets. That is the responsibility of the committee.

The responsibility of the Subcommittee on Budgets and Administration is to examine and critique those budgets. It is not a very nice responsibility, but it is something that has to be done. Prior to the trip, we approve the budgets to allow the committees to do their work and prepare for their travel.

The problem occurs upon return from the trip. One can go into the detail if one wishes, but there needs to be a reporting system. As Senator Kenny has said, it is a no-brainer really. When the committee returns from the trip, the formal budget having been approved, including the number of senators travelling, the cost of airfare for senators and support staff, as well as the cost of hotels and per diems, we have a detailed line-by-line entry. However, upon return there is nothing. We are simply told that the committee is under budget.

It would help everyone if we had a process whereby committees do a highly detailed line-by-line submission for budget approval and a column outlining the budget for each category. When the committee comes back, it will simply say, "Here is the actual for each category." The third column would be the variants for each category. There is nothing wrong with that system of reporting. It is a very simple process. It gives confidence that the committees not only went and did good work, but they did it efficiently and cost-effectively.

When we discussed this issue in the Internal Economy Committee, I did not hear any objections about us doing that type of reporting. As a matter of fact, committee members were supportive of doing it because it gives transparency to after the fact that is not there now. I think that is important for this chamber at this stage.

Senator Banks: I suspect that it would be a good idea for senators, including Senator Stratton, to have a look at — and I think some of us are familiar with it — the process by which committee clerks account to Senate Finance for every dime that is spent on committee travel. It is a system of scrutiny of the highest order. The information is made public every year. This system is already there, without putting into place another form of reporting when we come back from a trip. It is always difficult to put into committee budget applications in April the numbers that will apply to what is being done in September. That is not easy to do.

Hon. Peter A. Stollery: Honourable senators, I want to say a few words because I am also on the subcommittee that approves budgets. I appreciate Senator Banks' comments that we clear up any idea that there is some impropriety. There is a subtle story going out that there is impropriety in the way we conduct our business, and that is not so.

I want the public to understand that a committee decides the business it will undertake. The staff of the committee carefully draft a budget if a budget is required. The budget then must be

carefully reviewed and approved by the committee. The budget then comes to the subcommittee of which I am currently a member, along with Senator Stratton. In this instance, I voted to approve these budgets because the Senate has business to do. It would be irresponsible of me if at the last moment I added some spurious condition to a system that has been so carefully thought out. The impression here is that there is an impropriety, and that is not true.

The public probably does not understand that committees often have to budget for more than they spend because of rules. Normally when a committee travels, fewer people travel than are anticipated, but the budgetary system has to contemplate people travelling. If they do not travel, then of course the money is not spent and that is the end of the matter.

• (1610)

We have an extremely able staff in Senate finance. I do not like the smirks on the faces of some honourable senators; they are not appreciated because we are discussing important Senate business. An impression is being created that people are doing things that are illegitimate I do not like that, and I do not think any honourable senator should like that either.

The fact is we have an extremely careful procedure. There is a proposal that we get the staff to do what they already do, which is to take the monies that have not been spent, and explain why they have not been spent. All of that information to which Senator Stratton referred is available. There is no secret about this issue.

Honourable senators, I resent strongly, and I think all honourable senators should resent strongly, the implication that impropriety is taking place when, in fact, we have an extremely careful system. Reputations on both sides of the chamber are being attacked and I think that is wrong and I want to say that this afternoon.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I have a comment for Senator Stollery. As I listened to Senator Stollery outlining the process we follow in order to get authorization and budgets, I do not think he mentioned that, with the exception of two committees, before other committees can submit a budget to the Standing Committee on Internal Economy, Budgets and Administration, they must have authorization from the Senate to undertake the study or examine the bill, as the case may be, to seek funding. Let the record show that the honourable senator is nodding.

Senator Stollery: I would just like to say, yes, before anything happens and the Senate has to approve the whole project.

Hon. Hugh Segal: Honourable senators, I am one of those who have been here for the least amount of time so I am observing this as both a political and anthropological engagement. It strikes me that we are not discussing the elephant in the room. It also strikes me on that on neither side of this august chamber is anybody suggesting any malfeasance, inappropriate activity or misuse of funds. I do not believe that has ever been suggested on either side.

Let me ask a rhetorical question, as someone who has no particular interest in this matter. As I hear Honourable Senator Stratton speaking, it strikes me that the apparent concern is that if

funds are allocated for any committee to travel and if only a few of those people travel, that leaves a surfeit of funds. In some circumstances, if those funds are not immediately reallocated back in the central budgets of this place, that would give the chairman of any committee the option to use the funds in another fashion. I do not suggest that fashion is inappropriate, nor do I know if that has ever happened or would happen, but perhaps when Senator Kenny speaks at the end of the debate he may address that question, if it is in fact, the measure of concern.

This comment may strike everyone as deeply naive and not sufficiently testosterone-full for the nature of this specific debate, but it strikes me that when two Canadians bump into each other they always say "sorry." They do not know what they are sorry for, but it is a general expression of courtesy.

As I have watched this debate develop over the past few weeks, it has struck me that what we are missing is perhaps an honourable senator on that side who has nothing to do with the Defence Committee, and perhaps someone on this side who has nothing to do with the Internal Economy Committee, simply stand up and say "sorry." so we can get on with the nation's business in some constructive fashion.

Hon. Wilfred P. Moore: Honourable senators, as I rise I want to be associated with the remarks of Senator Stollery. The implication by Senator Stratton is that at the end of a committee's work we do not know what has happened with the money or what work the committee accomplished. It is as if there is something unreported, something incomplete, with all of the numbers. The clerk files those numbers with Senate finance. You can go there and look at any of the reports that are filed. They are as complete as can be. As to the work of the committees, that work is documented in the reports that are filed with this chamber after the work is complete.

As Senator Segal mentioned, if there is any money left over following a particular study, those monies all go back to the central Senate Finance Committee reserve. They are not something for a committee to take on to itself and use for something else. You cannot do that as I understand it.

Senator Stratton: I would like to offer a brief response and it is simply this: When we do budgets for committees they are highly detailed, they are transparent. On the other end, the reporting is not. I am just simply saying, for the sake of this chamber, that if we can be highly detailed and transparent going in, surely to goodness we can reflect what was going out. That is all I said. I did not mean to impugn anyone.

I am simply saying that if we can be open and transparent going in, then perhaps the committee should file a report at the end of its trip saying here is what we budgeted for and here is what actually took place. What can be wrong with that?

Senator Moore: That is for the clerk of the respective committees. They file that information. You should take the effort to do that rather than continue to impugn the reputation of the members of the various committees.

I know what he said a couple of weeks ago. Senator Stratton has not apologized. Do not tell me that nothing has happened here of any significance. All you have to do is go to finance and

look up the records. Spend your time doing that rather than saying that nothing is being done or the records are left uncompleted and there is something untoward.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and report adopted, on division.

STUDY ON PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

INTERIM REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the consideration of the tenth report (interim) of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Passports and PASS Cards, Identity and Citizenship: Implementing the WHTI*, tabled in the Senate on October 24, 2006.—(Honourable Senator Angus)

Hon. W. David Angus: Honourable senators, I rise today to speak on the tenth report of the Standing Senate Committee on Banking, Trade and Commerce entitled: *Passports and PASS cards, Identity and Citizenship: Implementing the WHTI*, the Western Hemisphere Travel Initiative, which was tabled October 24, 2006. I do so especially, since the work which led to this report has already had a refreshing and significant measure of success in Washington.

The WHTI was first introduced and announced by the United States Department of Homeland Security and the U.S. Department of State in April of 2005. It forms part of the American Intelligence Reform and Terrorism Prevention Act of 2004, also known as the 9/11 intelligence bill.

• (1620)

This American bill grants powers to the Secretary of Homeland Security, in consultation with the Secretary of State, to develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, deemed to be sufficient to denote identity and citizenship for all travel into the United States by United States citizens, and by categories of individuals for whom documentation requirements have previously been waived under specific sections of the Immigration and Nationality Act — namely U.S. citizens themselves returning to the United States, travellers from Canada and Bermuda, and some travellers from Mexico. Those travellers have heretofore been allowed to show other proofs of identification, such as drivers' licences or birth certificates.

Honourable senators, under the WHTI, all travellers to the United States from the Americas, the Caribbean and Bermuda would be required to present a passport. However, because of a recent congressional amendment to the 9/11 intelligence bill, signed into law by President Bush in late October after our report was tabled here, the implementation date for sea and land travel has been delayed until the earlier of June 1, 2009 or three months after the secretaries of Homeland Security and State have jointly certified that specific security measures for travel documents have been established.

However, as of January 23, 2007, even U.S. citizens returning home will henceforth be required to show passports. The interesting thing in this regard is that the committee heard evidence to the effect that less than 20 per cent of U.S. citizens hold a passport or have ever held a passport — in other words, have any passport record at all. In terms of land and sea travel, and the people who come across the border for a convention in Kelowna or somewhere, going back the other way, you can just imagine the disruption that might occur if suddenly these folks who have been travelling all their lives without a passport suddenly have to produce one.

As Michael Chertoff, Secretary of Homeland Security said, the ability to misuse travel documents to enter the United States opens the door for a terrorist to carry out an attack. In this spirit, it was obvious to the committee that the United States authorities are committed to bringing in these requirements sooner or later. That is why we were so gratified to learn that our efforts to obtain a delay on implementation and to have further study of the situation have been granted at least in the case of land and sea travel.

Honourable senators, as I say, we were delighted to hear of this deferral. The reason for the standing committee's study was its concern, last spring, when it appeared that there was no chance of obtaining a delay. In fact, the date of January 8, 2007 was the date that we would be dealing with. Accordingly, in June, we decided to meet with and hear from over a dozen witnesses from both Canada and the United States on this important issue.

At the same time, members of the Canada-U.S. Interparliamentary Association here and in the U.S. met in Charleston, South Carolina, to discuss ways and means of softening the potential blow of the WHTI as originally drafted. Both Senator Grafstein and I spoke on the matter at the time and after our return from Charleston.

At our committee's hearings, the distinguished list of witnesses included Michael Wilson, the Canadian ambassador to the United States; Representative Louise Slaughter, who represents a New York border district in the House of Representatives; the Canadian and U.S. chambers of commerce; and the Canadian Manufacturers and Exporters Association. Honourable senators, during the committee's hearings, it was clear to the members of the Standing Senate Committee on Banking, Trade and Commerce that the United States' powers-that-be had no intention of backing down from the substance of the WHTI. There was, however, evidence of some flexibility respecting the timing of implementation for land and sea travellers to the U.S. As the committee was told by Representative Slaughter:

In the post 9/11 world, it is indeed imperative that we know that those who enter our countries are who they say they are, mean us no harm and have the secure documents to prove it.

I might say that we also heard a lot of evidence to the effect that it is very easy to get in and out of Canada and/or the United States without going through these border points; and that these particular requirements could well be an overreaction in terms of post-9/11 security. However, the reality is that there was no indication, and there is still no indication, that the U.S. authorities are backing off.

We are proud of the efforts of Canada's parliamentarians in pushing for the delay in the implementation date, and for disseminating wider information about, and publicity and education concerning the proposed new measures. After all, honourable senators, it was realized that these new measures would come into force sooner or later. It is important for Canadian residents and businesses, as well as those in the United States, to be well informed and prepared to operate once they do.

Keeping this in mind, honourable senators, the Banking Committee, in its report, stressed the importance of ensuring that the WHTI be implemented at a time and in a manner than minimizes disruptions to the legitimate movement of people and goods across the Canada-U.S. border. The report contains a number of important recommendations to ensure just that. For example, they include: first, that the government should aggressively pursue the identification of NEXUS and Free and Secure Trade, or FAST cards, as approved documents by the U.S. departments of Homeland Security and State; second, that the federal government and the U.S. departments of Homeland Security and State implement pilot projects at major land border crossings on the Canada-U.S. border before WHTI-related requirements, projects and technology are deployed more broadly; third, that the federal government and the U.S. departments of Homeland Security and State develop appropriate protocols that will apply when U.S. residents lack approved documents to return to the U.S. from Canada; and fourth, that the federal government and the U.S. said departments convene round tables with relevant stakeholders in both countries to develop and implement an awareness and outreach campaign.

The committee, honourable senators, was also strongly of the view that attention should be brought to the fact that serious impacts could be felt by residents of integrated communities along the 49th parallel: people who daily cross the border to go to work, to school or to the library, or to shop and to attend sports or cultural events. These people will, or could be, seriously impacted by the provisions of the WHTI as it now stands, and whose implementation has now been delayed.

Should the implementation of the requirements be too costly or bothersome or cumbersome for the people involved, then important economic aspects and impacts will be felt on both sides of our shared border. To illustrate some of the potentially negative or possible economic implications of the WHTI, the U.S. Chamber of Commerce came to the committee and informed us that there were 34.5 million visits by Canadians to the U.S. in 2003, which had a \$10.9 billion impact on the American national economy. At the same time, fewer than 40 per cent of Canadians hold passports, and an even smaller percentage of Canadian children do.

This gentleman from the U.S. Chamber of Commerce continued to say:

If you are concerned about Americans coming to Canada and then not being able to go back, the statistics are even more dismal. Less than 20 per cent of the overall American population has a passport record. That does not even mean passports; it means that at least at some point in their lives, they had a passport.

• (1630)

Honourable senators, trade with the U.S. is critical to Canada's economic welfare. We must strike a balance between our mutual security and the economic consequences. We must do everything we can as legislators to prevent any disruption to our Canadian businesses and we must try to minimize as much as possible the inconvenience to our Canadian residents while, of course, keeping our borders safe and secure from terrorism and other illegal activities.

I urge all honourable senators to read the tenth report of the Banking Committee.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Banks, for the adoption of the fourth report of the Standing Senate Committee on National Finance (Bill S-201, to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes), with an amendment), presented in the Senate on October 3, 2006.—(*Honourable Senator Stratton*)

Hon. Terry Stratton: Honourable senators, at the outset, I will congratulate Senator Ringuette for her success in getting this bill to third reading. Elimination of the regional areas of selection is an issue that she clearly holds dear to her heart and one that she has consistently raised in the National Finance Committee since coming to the Senate.

Senator Ringuette was not satisfied with the progress made by the former Liberal government and, apparently, is not willing to accept the significant steps that the Public Service Commission is taking towards ensuring that most jobs open to the public are open to all Canadians no matter where they live.

Before the Senate gives this bill third reading, there are a few observations that I will put on the record, noted as areas that the other House might want to take a closer look at in the bill. First and foremost, the bill has a coming-into-force clause and, as a result, it will come into force upon Royal Assent. There will be no

opportunity for the Public Service Commission of Canada to phase it in. Indeed, the PSC has already found that removing regional restrictions is easier said than done, and has taken a gradual approach to increasing the number of advertised jobs open to the public regardless of where they live. The Liberals voted down an amendment to add a coming-into-force clause.

Another problem is that there will be instances when a national area of selection is not in the best interests of either the public service or those applying to work in the public service. For example, at times it is necessary to fill a position on short notice for a short period of time only, such as when employees go on leave or when there is a short-term spike in workloads. If such a job is posted on a national jobs board, the inevitable delays from dealing with applicants from across the country could mean that the need will have passed before the position can be filled. It is one thing to apply for a job 4,000 miles away — that costs nothing because the costs are borne by those who must sift through the applications — but it is quite another thing to be willing to fly out for an interview and then to relocate for a very short-term job. A manager faced with that kind of hiring challenge will be very tempted to bring in someone from a temporary help agency.

Second, there is the matter of hiring summer students and seasonal workers throughout Canada, positions that might best be filled locally at places such as the St. Croix, New Brunswick, border crossing or at the P.E.I. ferries. Let us not forget travel and relocation expenses.

Members of the other place might want to seek from the Treasury Board an indication of the potential costs of this bill. The Public Service Commission asked the committee to provide it with some flexibility and suggested an amendment, which I was happy to move. Unfortunately, Senator Ringuette, in turn, moved a sub-amendment to water it down. Again, I suggest that the other place take a look at how to best deal with situations where hiring locally in Port aux Basques, Newfoundland, or Kelowna, British Columbia, makes sense.

Third, the bill proposes a ban on what it calls “bureaucratic patronage.” Exactly what is the definition of “bureaucratic patronage”? We do not know because it is for the public service to write a definition to be approved later through regulation. Perhaps we will be satisfied with the definition, but perhaps we will not be satisfied. The other place might want to take a look at this issue to determine whether there is a better way to proceed.

A matter beyond the scope of the bill is that prohibition on bureaucratic patronage only applies to the public service and not to Crown corporations. A sponsor of the bill spent five years working in the executive office of Canada Post during the André Ouellet era so I asked her if bureaucratic patronage was a problem at the post office. She said that she had spent a great deal of time outside the office so it was not something that she noticed. Her exact words were, “I never experienced bureaucratic patronage.” She must have spent much time out of the office because this flies in the face of what is reported by both Deloitte and Justice Gomery. Justice Gomery wrote of André Ouellet, “Decisions were made unilaterally, disregarding established procedures and favouring his friends over the interests of the corporation.”

How did it come to pass that, at about the same time, André Ouellet hired John Williston, former Press Secretary to Transport Minister David Collenette, and Kevin Lee, who manned the Ontario desk in the PMO of Jean Chrétien. Following the Auditor General’s report on the sponsorship program, the former government ordered a special audit into Canada Post. The audit included a report on André Ouellet’s special hires. Deloitte found that in many cases, positions were created specifically for the person rather than having those people fill an identified business need. Rather than formal interviews, there was an informal need to discuss, “...what type of role he or she was interested in. Screening was minimal, not based on competency and without the use of selection boards. Reference and security checks were often not conducted.”

Canada Post staff told Deloitte that, “...they did not feel in a position to challenge the president after he had referred a candidate, and they interpreted his direction to mean that they had to find the person a job.” André Ouellet’s bureaucratic patronage went beyond simply getting jobs for his friends; it also extended to directing contracts their way — but I digress.

The provisions of this bill taking aim at bureaucratic patronage pale in comparison to the provisions of Bill C-2, the proposed federal accountability act, an initiative that will restore accountability to government and prevent another Adscam from ever happening. While I agree with the principle of what Senator Ringuette is trying to achieve, I support the phasing-in of her objectives as recommended by the Public Service Commission.

On motion of Senator Fraser, debate adjourned.

• (1640)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY IMPACT AND EFFECTS OF SOCIAL DETERMINANTS OF HEALTH

Hon. Wilbert J. Keon, pursuant to notice of November 9, 2006, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the impact of the multiple factors and conditions that contribute to the health of Canada’s population — known collectively as the social determinants of health — including the effects of these determinants on the disparities and inequities in health outcomes that continue to be experienced by identifiable groups or categories of people within the Canadian population;

That the Committee examine government policies, programs and practices that regulate or influence the impact of the social determinants of health on health outcomes across the different segments of the Canadian population, and that the Committee investigate ways in which governments could better coordinate their activities in order to improve these health outcomes, whether these activities involve the different levels of government or various departments and agencies within a single level of government;

That the Committee be authorized to study international examples of population health initiatives undertaken either by individual countries, or by multilateral international bodies such as (but not limited to) the World Health Organization; and

That the Committee submit its final report to the Senate no later than June 30, 2009 and that the Committee retain all powers necessary to publicize its findings until December 31, 2009.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I think a know a little bit about what this study is supposed to determine. I have tried to wrap my mind around the proposed order of reference, but I wonder if the honourable senator could give us, in even more lay language, a description of what it is he is proposing here and what would be involved. Are we talking about a lot of travel or other projects that would involve the vast expense of public money?

Senator Keon: Honourable senators, As a matter of fact, I have been wanting to do this study for a number of years. There is nothing new about it.

Marc Lalonde, in his report many years ago, referred to the way we should look at health instead of the way we do look at health. Indeed, many countries in the world have now adopted the Lalonde methods and we are still lagging behind.

The reality is that while we are spending \$140 billion a year on health care, 70 per cent of which is from the single payer, our government, and 30 per cent of which is private — 15 per cent coming from insurance and 15 per cent from the pockets of the private sector — we are not doing well. Our system is declining in the eyes of the world. We are about twelfth in performance and about twentieth in the world in overall outcomes. We should be able to do better.

We are not doing better because we are not using the correct approach. There are three fundamental categories of health in Canada. We have the rich and healthy people in Canada who live in the cities; we have the not-so-rich and not-so-healthy people who live in the country; and we have the very poor and very unhealthy people who live in the native communities.

The sad thing about all of this is that the correction of this tremendous health disparity is not that complicated. It is simply a matter of recognizing what is there and closing the loop. We have made tremendous strides with organizations such as the Canadian Institute for Health Information, and some provincial counterparts are giving us good information. The creation of the Public Health Agency has been a large step forward. These agencies, along with the Institute of Population Health and the Canadian Institutes of Health Research, are now giving us the data we need. The reports are coming out from time to time. What is not happening is that no one has dared to look at how to take this data and close the loop. How do we get the cooperation of the delivery systems that lie in the hands of the provinces to take these disparities and correct them?

Of course, seven groups of health services are provided by the federal government. One of them is the health services provided to a portion of the Indian and Inuit peoples. The Métis are in a class by themselves.

Again, it is not that complicated to bring these issues back into a workable arrangement, and I would like to spend the next several years suggesting to governments how it can be done.

Senator Fraser: The honourable senator is basically referring to who gets sick and why, and what we can do about it.

Senator Keon: Correct. The major determinant of health is wealth. That is number one. I have spent my whole life working on heart patients, and there are nine risk factors. Senator Segal broke me up here a few days ago when I was trying to advocate that he have himself assessed. I mentioned body mass and at that point he said, "and then go out and get drunk." I could not give the rest of my statement.

The major determinant of health is wealth. For cardiovascular health, if we were able to control nine risk factors in the population, we would prevent 90 per cent of premature heart attacks. Getting compliance from old geezers like some of the senators will not be easy, but we can try.

Senator Fraser: Would this two-year study involve much travel?

Senator Keon: There should not be much travel. We can handle most of it by bringing the witnesses to Ottawa. As I mentioned, we have a very good base in Canada from which to work. I will attend the World Health Organization meetings. I want to be in sync with the World Health Organization. Monique Bégin, as you know, represents us there now. They are doing wonderful work and we want to follow the same agenda.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question!

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

On Motion No. 126, by Honourable Senator Kenny:

That the Standing Senate Committee on National Security and Defence have power to sit at 3:30 p.m. on Monday, November 27, 2006 even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Colin Kenny: Honourable senators, this has already happened and I suggest that the motion be withdrawn.

The Hon. the Speaker: Is it agreed, honourable senators?

Motion withdrawn.

AGING

MOTION TO AUTHORIZE SPECIAL COMMITTEE TO
MEET DURING SITTING OF THE SENATE WITHDRAWN

On Motion No. 128, by Honourable Senator Cordy:

That the Special Senate Committee on Aging have the power to sit on Monday, November 27, 2006 even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Jane Cordy: Honourable senators, I would like to withdraw this motion standing in my name since the Senate did not sit yesterday and the committee did.

The Hon. the Speaker: Is it agreed, honourable senators?

Motion withdrawn.

ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCESCOMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Tommy Banks, pursuant to notice of November 23, 2006, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5:00 p.m., Tuesday, December 12, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

He said: Honourable senators, the reason for this request is the appearance of the minister before the committee.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Wednesday, November 29, 2006, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Wednesday, November 29, 2006

—
THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, November 29, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

POST-SECONDARY EDUCATION INFRASTRUCTURE FUND

Hon. Wilfred P. Moore: Honourable senators, in its 2006 budget, the federal government established a \$1 billion Post-Secondary Infrastructure Trust. You will recall that we in this chamber led the fight for such funding under the leadership of Senator Lowell Murray, then Chair of the Standing Senate Committee on National Finance, which identified a national need of \$3.6 billion.

My province of Nova Scotia's share of that trust fund is \$28.8 million. However, rather than distribute those funds to our 11 universities for much needed infrastructure work, the Progressive Conservative provincial government has decided to give \$440 to each Nova Scotian student attending university in Nova Scotia. This is but another shortchange by our government that provides the least amount of funding of all provinces in Canada to post-secondary education. The quotes of students about this politically motivated action range from "underwhelmed" to "useless". This inappropriate action is reminiscent of former Premier John Hamm's attempt to cut the provincial post-secondary education budget by an amount equal to the funds allotted to Nova Scotia through the Millennium Scholarship Program.

I call upon the federal government to strongly protest this action by the Government of Nova Scotia, and to require it to restore these trust fund dollars to their specified purpose, being the maintenance of post-secondary infrastructure.

As was stated by Gail Dinter-Gottlieb, President of Acadia University:

Imagine the overall impact that a \$28 million infrastructure investment would have on the learning environment of Nova Scotia students and the efficiency of the tuition fees, through lowering the costs of operating our aging infrastructure.

[Translation]

THE HONOURABLE MARCEL PRUD'HOMME

HAPPY BIRTHDAY

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, senators who see one another in caucus often have the opportunity to wish one another a happy birthday. Unfortunately, for senators who do not meet in caucus, birthday wishes are often forgotten.

As we will not be here tomorrow, I would like to take this opportunity to wish the Honourable Senator Marcel Prud'homme a happy birthday.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, we on this side would also like to join in wishing Senator Prud'homme a happy birthday and many more!

[English]

Hon. Marcel Prud'homme: First, thank you very much for your kindness. Today is a very special day but for other reasons. Since you talk about birthdays, yesterday was our Speaker's birthday, so Happy Birthday retroactively, Your Honour.

In getting older, I will try to be calmer on some of the major issues concerning peace in the world.

INTERNATIONAL DAY OF SOLIDARITY

Hon. Marcel Prud'homme: Honourable senators, today marks the International Day of Solidarity with the Palestinian people. In accordance with mandates given by the General Assembly of the United Nations fifty-nine years ago, on November 29, we observe the International Day of Solidarity.

The date of November 29 was chosen because of its meaning and its significance to the Palestinian people. On that day in 1947, the General Assembly adopted resolution No. 181, which came to be known as the "Partition Resolution," and this was partly due to Mr. Justice Ivan Rand, who had been appointed Canada's representative to the United Nations Special Committee on Palestine.

Another man who should also not be forgotten for playing a role that day was Lester B. Pearson; not Lester B. Pearson, the leader of the Liberal Party under whom I served; not Lester B. Pearson, the Minister of Foreign Affairs; but Lester B. Pearson, Deputy Minister of Foreign Affairs who, in 1947, thanks to his great talent, could find enough votes to pass this resolution with which we have lived ever since. For those of you who may be interested in history, the vote was 33 in favour, with 10 abstentions and 13 against. I could name them all.

There were 57 countries at that time. Now that we have a debate over the term "nation", I prefer to use the word "country." I never had any trouble saying "Canada, my country." Canada is a country.

At that time, there were only 57 countries of the United Nations; 56 voted.

• (1340)

Only 33 voted for this partition; 13 voted against, 10 abstained and Thailand was absent.

Mr. Trudeau taught me to always hang my hat on resolution No. 181 of 1947. He told me I would never be wrong. He told me never to get into a hot debate with colleagues, and to remind people always of our Canadian responsibility of November 29, 1947. It will be 60 years next year and each year on November 29, we celebrate the International Day of Solidarity with the Palestinian People.

Everyone is now repeating what I have been saying for more than 30 years at great cost, I must say with a big smile. Everyone says we must return to the spirit of 1947 when Canada decided, thanks to Mr. Justice Rand and Lester B. Pearson, that there would be two states in the land of Palestine, one for the Jewish people, as it says in resolution No. 181 and one for the Palestinian people.

I hope that before the sixtieth anniversary we will find a solution to bring peace and sanity to that part of the world. That peace could herald the beginning of peace for the rest of the region. Otherwise, that region will blow up in our face.

JOHN F. KENNEDY PROFILE IN COURAGE AWARD

PROPOSAL TO NOMINATE THE HONOURABLE MICHAEL CHONG

Hon. Francis William Mahovlich: Honourable senators, I rise today to speak on my intention to nominate Michael Chong for the John F. Kennedy Profile in Courage Award. This award is given annually to leaders who stand on principle over partisanship, despite the scorn, rather than praise they may receive from their colleagues.

In standing for his own principles and stepping down as a cabinet minister, Michael Chong has abided by John F. Kennedy's belief: There is one force in politics more powerful than money, influence, or spin; that is conscience.

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

SEVENTEENTH ANNIVERSARY OF TRAGEDY AT L'ÉCOLE POLYTECHNIQUE

Hon. Lillian Eva Dyck: Honourable senators, December 6 is the National Day of Remembrance and Action on Violence Against Women.

The Parliament of Canada established this day in 1991 to commemorate the 14 young women who were fatally shot by a man using a semi-automatic rifle on December 6, 1989, at l'École Polytechnique de Montréal. Each victim was targeted not just because she was a woman but also because she was an engineering student.

Honourable senators, I remember December 6, 1989, vividly because, for the first time in my life I felt that simply because I was a scientist, I might become a target of violence.

[Senator Prud'homme]

Honourable senators, as you know, it is a sad reality that women in Canada are subjected to acts of violence. For instance, women are three times more likely than men to be subjected to injury by their spouse. Honourable senators, on December 6, 1989, it became clear how much hatred one young man felt towards feminists and women who wanted to be engineers.

Fortunately, Canada took the l'École Polytechnique de Montréal tragedy seriously. Existing programs were expanded and new programs were developed which have increased the numbers of girls and women who study science and engineering at post-secondary education institutions. However, there are still few women in the various faculties of science and engineering across the country, and it is imperative that the Government of Canada continue to support programs that ensure that women are hired into faculty positions as predominantly male faculty members retire over the next few years.

Honourable senators, in conclusion, let us remember and honour the 14 young women who dared, nearly 20 years ago, to break with tradition by wanting to be female engineers.

They were: Geneviève Bergeron, Hélène Colgan, Nathalie Croteau, Barbara Daigneault, Anne-Marie Edward, Maud Haviernick, Barbara Maria Klucznik, Maryse Leclair, Annie St-Arneault, Michèle Richard, Maryse Laganière, Anne-Marie Lemay, Sonia Pelletier and Annie Turcotte.

[Translation]

ROUTINE PROCEEDINGS

PRESIDENT OF THE TREASURY BOARD

2006 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the President of the Treasury Board's annual report to Parliament entitled *Canada's Performance 2006*.

STUDY ON SOFTWOOD LUMBER AGREEMENT

REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE TABLED

Hon. Hugh Segal: Honourable senators, I have the honour to table the fifth report of the Standing Senate Committee on Foreign Affairs and International Trade on certain aspects of the softwood lumber agreement between Canada and the United States.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Segal, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THE ESTIMATES, 2006-07

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) TABLED

Hon. Joseph A. Day, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, November 29, 2006

The Standing Senate Committee on National Finance has the honour to present its

FIFTH REPORT

Your Committee, to which were referred the Supplementary Estimates (A), 2006-2007, has, in obedience to the Order of Reference of Tuesday, October 31, 2006, examined the said Estimates and herewith presents its report.

Respectfully submitted,

JOSEPH A. DAY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[*English*]

INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, November 29, 2006

The Standing Senate Committee on National Finance has the honour to present its

SIXTH REPORT

Your Committee, to which were referred the 2006-2007 Estimates, has, in obedience to the Order of Reference of Wednesday, April 26, 2006, examined the said Estimates and herewith presents its second interim report.

Respectfully submitted,

JOSEPH A. DAY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[*Translation*]

APPROPRIATION BILL NO. 2, 2006-07

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-38, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007, to which they desire the concurrence of the Senate.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1350)

[*English*]

APPROPRIATION BILL NO. 3, 2006-07

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-39, for the granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

VISIT TO AFGHANISTAN BY POLITICAL AND DEFENCE AND SECURITY COMMITTEES, MAY 17-21, 2006—REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association's Delegation respecting its participation in the visit to Afghanistan of the NATO Parliamentary Assembly's Political Committee and Defence and Security Committee from May 17 to 21, 2006.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

STUDY GROUP ON BENCHMARKS
FOR DEMOCRATIC LEGISLATURES,
OCTOBER 30-NOVEMBER 3, 2006—REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Commonwealth Parliamentary Association to the Study Group on Benchmarks for Democratic Legislatures, which was held in Bermuda from October 30 to November 3, 2006.

PRE-CONFERENCE VISIT TO THE CPA
HEADQUARTERS, AUGUST 28-SEPTEMBER 2, 2006
AND ASSOCIATION CONFERENCE,
SEPTEMBER 1-10, 2006—REPORTS TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the reports of the Canadian Delegation of the Commonwealth Parliamentary Association to the Pre-Conference Visit to the CPA Headquarters held in London, United Kingdom, from August 28 to September 2, 2006, and to the Fifty-second Commonwealth Parliamentary Conference held in Abuja, Nigeria, from September 1 to September 10, 2006.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY EFFECTIVENESS OF CANADA'S PROMOTION
OF DEMOCRATIC DEVELOPMENT ABROAD

Hon. Hugh Segal: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on the effectiveness of Canada's promotion of democratic development abroad; the role of the Parliament of Canada in this context; and

That the Committee shall present its final report no later than December 31, 2007, and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until March 31, 2008.

[Translation]

IMPACT OF CHARTER OF RIGHTS
AND FREEDOMS ON RIGHTS OF CANADIANS
AND PREROGATIVES OF PARLIAMENT

NOTICE OF INQUIRY

Hon. Hugh Segal: Honourable senators, I give notice that two days hence:

I shall call the attention of the Senate to the impact that the Charter of Rights and Freedoms has had these past 24 years on the rights of Canadians and the prerogatives of the Parliament of Canada.

• (1355)

[English]

STUDY ON CURRENT STATE OF MEDIA INDUSTRIES

GOVERNMENT RESPONSE TO TRANSPORT
AND COMMUNICATIONS COMMITTEE REPORT—
NOTICE OF INQUIRY

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I give notice that two days hence I shall call the attention of the Senate to the government's response to the second report of the Standing Senate Committee on Transport and Communications, entitled "Final Report on the Canadian News Media."

QUESTION PERIOD

JUSTICE

GUIDELINES FOR FEDERALLY APPOINTED
COMMISSIONERS OF INQUIRY

Hon. Lowell Murray: Honourable senators, has it been agreed not to ask questions today? I have a question but, as a mere independent, I do not want to upset any agreement that has been made between the two sides.

The other day in debate, our colleague Senator Day made reference to statements attributed to Mr. Justice Gomery in which Mr. Justice Gomery was quoted as having criticized the government's response to some or all of the recommendations in his final report. That got me to thinking about what a former commissioner who was still sitting on the bench may say publicly on contentious matters on the subject matter of his report.

My mind ranged over all the royal commissions on contentious matters over the years, starting with, in my young memory: Taschereau on the Igor Gouzenko revelations; Chief Justice Frederic Dorian on the Rivard scandals; Mr. Justice David C. McDonald on the activities of the RCMP security services; the Krever Royal Commission on Tainted Blood; the Parker Royal Commission about Mr. Stevens; and on and on. In none of those cases do I recall those judges, after they returned to the bench, taking part in the public debate concerning their recommendations.

I wonder who is responsible for setting out guidelines in these cases. Is it the government? Is it the Canadian Judicial Council? Is it the Chief Justice of the court in question? I wonder if there is somewhere a document indicating what a former commissioner, while still sitting on the bench, may properly say or do when his commission has ended.

Hon. Marjory LeBreton (Leader of the Government): Honourable senator, as a result of the exchange, I did check to determine the status of Mr. Justice Gomery. Although he is officially retired, he is still a supernumerary judge. Therefore,

obviously he can continue to comment on his report, although he surely would not be able to go beyond what he already publicly stated in his report and comment on any confidential matters that were before the commission or being investigated by the police.

I took notice of some of the things that he did say. There is no question that he can comment on his own report, although the honourable senator is quite right: For all intents and purposes, he is still a sitting judge, supernumerary.

One caution, perhaps, that should be noted is in the Canadian Judicial Council statement of ethical principles for judges. That statement cautions federally appointed judges that they should refrain — and this is found in section D.3.(d) of their statement of principles — “from taking part publicly in controversial political discussions except in respect of matters directly affecting the operation of the courts, the independence of the judiciary or fundamental aspects of the administration of justice.”

• (1400)

I did note the exchange. I am sure Mr. Justice Gomery, being a judge, is well aware of the restrictions that he is under relative to this code of ethics. In addition, he is a supernumerary judge on the Quebec Superior Court. Therefore, the question is valid, and I think we should always be mindful of the scope of the comments made by judges in that position.

Senator Murray: I will leave Justice Gomery aside for the moment and ask whether the Leader of the Government would obtain a prepared statement from the Minister of Justice as to the general issue I have raised here.

I am aware, as I think many of us are, that Chief Justices have been understandably reluctant to let their judges sit on commissions that are politically sensitive or controversial as a result of their hesitance to see them involved in controversies of this kind.

I would appreciate it if a considered and prepared statement could be brought in as to the limitations on former commissioners who sit as judges.

Senator LeBreton: I thank the honourable senator. That is an excellent suggestion, and I will ask the Minister of Justice to provide such a statement.

VETERANS AFFAIRS

GAGETOWN—TESTING OF AGENT ORANGE AND AGENT PURPLE—RESPONSE TO REPORTS

Hon. Norman K. Atkins: I have one question for the Leader of the Government in the Senate. It deals with Agent Orange and Camp Gagetown.

Two reports have been released in almost six months. As a result of those reports, the Minister of Veterans Affairs has indicated that they will deal with the legitimate applications with regard to the effects of Agent Orange on certain individuals.

Can the Leader of the Government in the Senate inform me as to whether the government has followed through on that undertaking? If so, how many people have been compensated?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. He has asked questions on this very serious matter on previous occasions.

Minister Thompson is currently involved in an ongoing process with the families and the people who live in the CFB Gagetown area. I know that the last time he spoke of the subject in my presence there were a number of issues that still had to be addressed.

On the basis of the honourable senator's question, I will go back to my colleague the Minister of Veterans Affairs, Mr. Thompson, and ask for an update on where this file is at the moment.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I hereby give notice that when we proceed to government business, the Senate will begin with Motions Nos. 1 and 2 and then continue with the other items as they appear on the Order Paper.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government) pursuant to notice of November 28, 2006, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit on Monday, December 4, 2006, Tuesday, December 5, 2006, Wednesday, December 6, 2006 and Thursday, December 7, 2006 even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

ADJOURNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): pursuant to notice of November 28, 2006, moved:

That when the Senate adjourns on Wednesday, November 29, 2006, it do stand adjourned until Tuesday, December 5, 2006, at 2 p.m.

Motion agreed to.

• (1405)

[English]

FISHERIES AND OCEANS

BUDGET—STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Fisheries and Oceans (*budget—release of additional funds (study on the Federal Government's New and Evolving Policy Framework for Managing Canada's Fisheries and Oceans)*), presented in the Senate on November 28, 2006.—(*Honourable Senator Rompkey, P.C.*)

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I move the adoption of the report standing in Senator Rompkey's name.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Terry Stratton: I think we have been over this budget before. Senator Rompkey is aware of my feelings, I am sure, on this matter, which are simply that until we get some reportage on this post the event, I will be against any travel. Therefore I will vote on division.

Senator Fraser: I do understand the honourable senator's position. He explained it in detail yesterday.

I thought the Senate might be interested to know that the travel in question here is for the Fisheries Committee to go to the West Coast, but also to Manitoba, to examine the state of the fisheries in those fine places.

Hon. Francis Fox: There are lots of goldeyes.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Stratton: On division.

Motion agreed to, on division, and report adopted.

• (1410)

STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the third report (interim) of the Standing Senate Committee on Agriculture and Forestry, entitled: *Agriculture and Agri-Food Policy in Canada: Putting Farmers First!*, tabled in the Senate on June 21, 2006.—(*Honourable Senator Peterson*)

Hon. Robert W. Peterson: Honourable senators, farmers have been facing difficult times. It is no secret that Canada's producers must overcome unrelenting difficulties when forging a living from their land and their livestock and receiving their fair share from the marketplace. The report tabled last June by the Standing Senate Committee on Agriculture and Forestry entitled, *Agriculture and Agri-Food Policy in Canada: Putting Farmers First!* does not have a magic bullet to solve all of the problems that agriculture is facing. However, it can pave the way to better policies for our producers. Let me describe their situation.

Canada has just witnessed the worst three years of farm income in history, and forecasts are not looking any better. Agriculture and Agri-Food Canada estimates that the 2006 net cash income in Saskatchewan will be 44 per cent below the 2000-2004 average. The market net income, which describes what farmers really receive from the market, has been negative since 1999. Prices of grains and oilseeds have declined steadily for the last number of decades and remain extremely low. Recently, higher North American production and a stronger Canadian dollar have maintained these lower grain and oilseed prices. Operating expenses are increasing due to higher input prices, higher interest and farm labour costs.

Canada's grains and oilseeds producers must compete with low-cost producers from Brazil, and with heavily subsidized farmers from the United States and the European Union. In recent times, farmers have been dealt blows that have been painful and outside of their control. I am referring to the devastating impact of the BSE border closure to live cattle and the recent drought in Western Canada, which has had disastrous effects on our farming communities.

How have farmers been able to survive without receiving any money from the market? First, program payments have helped to keep the realized net income above zero. Those payments have increased considerably since the 1980s but they have not been able to reverse the trend of declining farm income. Second, farmers have been relying increasingly on borrowed money. Between 1995 and 2005, the farm debt increased by more than 90 per cent, to reach \$51 billion.

I am hopeful that the future is not as bleak as I have just described. The report of the committee indicates that there will be opportunities, such as the rising demand for biofuel and for grains and animal protein, in places such as China and India that will put upward pressure on prices. There will also be new areas of production such as molecular farming, and pharmaceuticals or other substances such as industrial feed stocks using plants and animals. Market conditions, however, do not change overnight. The committee believes that there is a role for government assistance until those opportunities materialize.

Current programs do not address farmers' needs. Programs are complex and slow at delivering money in times of crisis. Payments are based on the difference between current year income and the average income of previous years. Because farmers have experienced year-over-year drops in income, the average to which the current year is compared is shrinking, resulting in smaller payments to farmers.

Last summer, the federal government injected money to address weaknesses in the Canadian Agricultural Income Stabilization Program, or CAIS, and chose to help lower-income farm families with the Canadian Farm Families Options Program. Both

initiatives are good news for the industry but the committee felt at that time that a direct payment was the best way to send money quickly to farmers to help them bridge the gap until better market conditions are in place. The first recommendation of the committee was that the federal government implement a direct payment for the next four years, with payments calculated on the basis of historical yield and acreage.

Regardless of the way government chooses to transfer the money, more government funds will have little effect if Canada does not facilitate the conditions that allow farmers to take advantage of future market opportunities. While income stabilization and disaster relief have a role in agriculture, farmers will always prefer to receive returns from the market as opposed to receiving ongoing government support. As the title of our report says, we suggest that farmers, and not the overall agri-food chain, should be the first target of any Canadian agricultural policy. That is why we are proposing a true Canadian farm bill that would set the conditions that, once in place, would ensure fair returns for producers and, thereby, eliminate the need for on-going government support.

In order to address the longterm decline in farm income and make it possible for the agriculture industry to take advantage of future opportunities, the new farm bill should include elements such as: Investments in biofuels, research, innovation, rural infrastructures and value-added agriculture; incentives to producers as providers of social benefits beyond food production such as environmental benefits like storing carbon; and an aggressive trade strategy that would benefit farmers, notably through bilateral agreements in addition to the WTO. As the fourth largest Agriculture and Agri-Food exporter in the world and the fifth largest importer, Canada needs and would benefit from fairer rules regarding international trade.

We have received support for the idea of a Canadian farm bill. Last month at one of the meetings of the Committee, Bob Friesen, President of the Canadian Federation of Agriculture, mentioned that members of the CFA have started to draft a Canadian farm bill with many of the elements that I have just mentioned. We often talk about the amount of money spent on agriculture in the United States. We all know that we cannot match that amount but we can surely improve how we spend the money that we do have available.

A Canadian farm bill must provide a framework that is not only geared for industries along the agri-food-value chain but also is focused on farmers so that they can earn a livelihood. Putting farmers first means, for example, that our biofuel strategy encourages the production of ethanol and biodiesel from Canadian grains and not from imported corn and soybeans from south of the border. A Canadian farm bill would make room for provincial programs and would address provincial-specific needs. Programs would have to be simple, concise and predictable so that farmers could know what to expect in terms of support. It would mean that research results could move swiftly from the research station to the field.

Although the committee undertook these hearings in a time of crisis for producers, their message was clear: There is a viable future in farming in Canada if appropriate programs and policies are implemented. Because it is one of the foundations of our country, Canadians have a responsibility towards the farming

community to help it through difficult times until it can again achieve sustainability. To do less is to acknowledge that there will be no security of supply in our food chain, and that we will need to rely on other countries to feed our people. I do not think that this is what the people of Canada want and I do not think that is what we would want to happen.

Honourable senators, we have a challenge. I hope we are up to it.

On motion of Senator Fraser, debate adjourned.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator LeBreton, P.C.*)

Hon. Robert W. Peterson: Honourable senators might wonder how 42 per cent of Canadians could be functionally illiterate, especially when common wisdom tells us that Canada is a leading nation of the information age with universal education for all. This has resulted in what could be thought of as a "human resources crisis." It is a sad commentary on a country that is so blessed with natural resources and opportunity. I would like to speak briefly on the role of literacy in Canada's economy.

As honourable senators are aware, a large number of Canadians will be retiring in the coming years. This trend, when coupled with low birth rates and strong economic growth, will make skills shortages more common. Keeping seniors in the workforce longer and integrating unemployed workers into the economy are two strategies that must be explored to tackle this challenge head on. However, tapping these labour pools will not be possible unless their literacy skills can be strengthened.

• (1420)

Literacy is tied to economic growth, dependence on income support programs and social inclusion. I understand that studies have shown that increased literacy skills positively affect a nation's gross domestic product. In 1988, the Canadian business task force estimated that low levels of literacy were costing our society approximately \$10.7 billion annually. A recent OECD study indicated that it would only take an increase of 1 per cent in adult literacy levels to generate a permanent increase in the GDP per capita of 1.5 per cent. We also know that workers with advanced literacy skills often earn more and are more supportive of investments in social infrastructure, such as libraries, which are crucial to improving literacy skills generally.

Supporting literacy programs is an investment and not a liability. Accordingly, literacy programs should be receiving additional funding and not cut-backs. Unfortunately, Canada is falling behind other nations. Approximately one half of our citizens test below the level necessary to function adequately in today's information and knowledge-based economy. Also, the

International Adult Literacy Survey recently reported numeracy test results that can only be described as discouraging. The report, *Learning a Living: The First Results of the Adult Literacy and Life Skills Survey* released by Statistics Canada in May 2005, makes clear that Canada's scores on the four domains of proficiency — prose, document, numeracy and problem-solving — have not improved significantly since 1994.

The Government of Canada has acknowledged and supported the role of literacy in securing our nation's economic future by establishing several literacy programs. The Adult Learning, Literacy and Essential Skills Program, or ALLESP, is one example of this. Established in March 2006 with the consolidation of the National Literacy Program, the Office of Learning Technologies and the Learning Initiatives Program, the Adult Learning, Literacy and Essential Skills Program provides funding for organizations to develop educational resources, operate outreach activities and engage in awareness campaigns. Regrettably, this consolidation was followed by an announcement of changes to federal spending priorities, including savings of \$17.7 million within the Adult Learning, Literacy and Essential Skills Program funding envelope.

Residents of Saskatchewan, like all Canadians, continually strive to better themselves, improve the standard of living enjoyed by their families and support their communities. The Saskatchewan Literacy Network has been there to lend a hand to all those interested in improving their literacy skills since the organization first opened in 1989. The network has advised me, however, that it will be significantly affected by the funding changes announced some six weeks ago. I understand that the network will lose \$170,000 in grants and will have to close its doors by August 31, 2007 if new funding cannot be found.

The network has already stopped offering subsidized family and adult literacy training, cancelled resource development and halted the publication of educational materials. As a matter of fact, I called the Executive Director of the Saskatchewan Literacy Network this morning to inquire if a cheque was in the mail. Sadly, the response was no, and as a result they have had to cut the number of their staff in half, and next week the remaining staff will be moving into smaller premises.

Honourable senators, the Saskatchewan Literacy Network has asked that I communicate their desire to see traditional levels of federal funding for literacy programs restored. While I know that in recent weeks the Government of Canada has indicated that it will spend a total of \$80 million on literacy, without clarification of how these funds will be allocated it is difficult for me to reply to the urgent requests for information that have been arriving in my office in recent days. Literacy organizations are asking for clarification so that they can continue to provide essential services while also planning ahead. Given their valuable role within our community, I felt it was appropriate to share their concerns with you today.

Let us do the right thing. Let us confirm to these literacy organizations that their operational funding will be in place beyond April 2007 so that they can continue their valuable and essential work.

On motion of Senator Robichaud, debate adjourned.

[Senator Peterson]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION FOR SECURITY AND CO-OPERATION
IN EUROPE—INTERNATIONAL REFERENDUM
OBSERVATION MISSION, MAY 21, 2006—
REPORT TABLED

Leave having been given to revert to Tabling of Reports from Inter-parliamentary Delegations:

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the delegation to the OSCE Canada-Europe Parliamentary Association on the International Referendum Observation Mission for the Referendum on the State-status of Montenegro, held in Montenegro on May 21, 2006.

ORGANIZATION FOR SECURITY AND CO-OPERATION
IN EUROPE—EXPANDED BUREAU MEETING,
APRIL 24, 2006—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the delegation to the OSCE Canada-Europe Parliamentary Association on the Expanded Bureau Meeting of the Parliamentary Association of the OSCE held in Copenhagen, Denmark, on April 24, 2006.

IMMIGRATION POLICY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the importance of Canadian immigration policy to the economic, social and cultural development of Canada's regions.—(*Honourable Senator Callbeck*)

Hon. Catherine S. Callbeck: Honourable senators, I rise today to call the attention of the Senate to the importance of Canadian immigration policy to the economic, social and cultural development of Canada's regions, in particular the Atlantic region and my home province of Prince Edward Island.

In recent decades, Canada's immigration policy has served to attract skilled and talented people from other countries around the world. These immigrants have enriched our society in so many ways: economically, socially and culturally. Because of their contributions, we enjoy a truly multicultural society that makes Canada one of the best countries in the world in which to live.

Between 1996 and 2005, Canada received more than 2.2 million permanent residents. Over 1.2 million of those went to the province of Ontario — that is, about 55 per cent of Canada's new immigrants. British Columbia was second to Ontario in total immigration, with nearly 400,000. That was 18 per cent of the national total. The third largest draw for immigrants was the province of Quebec, with more than 348,000, at 16 per cent of the national total. The bottom line is that these three provinces, Ontario, British Columbia, and Quebec received 90 per cent of all new immigrants between 1996 and 2005.

At the same time, in the entire region of Atlantic Canada, only 33,437 immigrants came to these four provinces. That is just 0.02 per cent. Only 1,788 of permanent residents came to Prince Edward Island, an insignificant amount in comparison to the total.

With these provincial statistics in mind, it is no surprise that Canada's largest urban areas lead the country as destinations for immigrants. In the 10-year period between 1996-05, 96 per cent of all immigrants came to an urban area. In fact, three out of four immigrants settled in just three cities: Toronto, Vancouver, and Montreal. Even more interesting is the fact that 45 per cent of all new immigrants settled in Toronto.

• (1430)

It is understandable that newcomers gravitate towards cities. Cities have more robust job markets to find work when immigrants arrive. Statistics Canada has found that recent immigrants are more likely to use public transportation and require English-language classes, housing and other immigrant support services — all more easily accessed in larger urban centres. Newcomers can also more easily rely on fellow immigrants to help them find housing and jobs, as well as familiar places of worship and stores that carry food from their homelands.

In addition, a lack of recognition for foreign credentials has been a serious flaw. In many provinces immigrant doctors, nurses and skilled workers are said to be employed in low-paying remedial jobs because their training is not recognized. Several provinces have taken steps to assist professional and skilled workers to quickly and easily begin working in their chosen professions. However, more has to be done to ensure that we recognize the credentials of professionals and skilled workers; each one of us benefits from the contributions immigrants can make when they are able to thrive here in Canada and live to their full potential.

Good immigration policy should not only benefit a few select areas or large urban centres. Other regions of the country, Atlantic Canada in particular, are just not reaping the full benefits of Canada's immigration policy. There is a tremendous need to re-examine our national policies and federal-provincial cooperation to ensure that all regions experience the positive effects of immigration.

In a speech at the Atlantic Economic Summit in 2004, former New Brunswick Premier Frank McKenna recognized that current policy is not working for Atlantic Canada. He said:

We must demand a regionally differentiated immigration policy. Immigrants must be directed to come to Atlantic Canada. New immigrants will not only create their own jobs, but they'll create jobs for others and that will create revenues which will allow us to sustain our quality of life. Our choice is simple: we're either gonna grow or we're going to die.

While there will be a decline in the working age population in most parts of Canada, the decline will happen even sooner and faster in Prince Edward Island than in Canada as a whole. If

current trends continue, our working-age population will start to decline by the year 2011. By 2026, Canada's growth rate for the working-age population will be a negative number, at — 1.4 per cent. On the other hand, Prince Edward Island's growth rate will be even less, at -3.2 per cent. P.E.I.'s median age is currently 39 years. It is expected to rise to 45 years to 47 years by the year 2031 — one of the oldest in the country after Newfoundland and New Brunswick.

In addition, our population of youth aged 14 years and under will drop from 26,000 to 19,000 by 2030, while our senior population is expected to double to 38,000. That is about 28 per cent of the island population over those same 25 years. For the first time ever, we will have twice as many seniors as children. We will have an increasing number of aging people leaving the workforce, with a decline in the numbers of those who would replace them.

This population shift will have dire consequences for the well-being of Islanders. Our working population provides the income tax base for social services provided by the provincial and federal governments, like health care. The rapid decline in the working-age population means that there will also be a rapid decline in the tax dollars that pay for services which we all enjoy. This scenario is further complicated by Prince Edward Island's aging population. The increase in the number of seniors means added strain for those very same social services. All in all, governments will have less money to spend but will be trying to pay for much, much more.

Given the impending crisis for Prince Edward Island's workforce, I am happy to say the Government of the Prince Edward Island has established a Population Secretariat with a mandate to attract and retain immigrants, new settlers, repatriate skilled Islanders and retain current residents. This group of dedicated employees is actively promoting the province and seeking ways to ensure that Prince Edward Island continues to have the people necessary to succeed in the coming decades.

I am also encouraged that the federal government has recognized there is a problem. In recent years it has undertaken some initiatives with provincial and territorial governments to promote more widespread settlement.

In June of 2001, P.E.I. signed an immigration agreement with the federal government. An important element of the agreement was the implementation of a five-year pilot Provincial Nominee Program, which, after two recent six-month extensions, is set to expire March 31, 2007. This program allows the province to seek nominees who would help meet our labour market needs, and would promote industrial and economic development on the island. All nominees are then processed by the federal department according to the national admissions criteria.

Recently, Prince Edward Island has been recruiting immigrant candidates, targeting those who would best fit the province's labour market needs. Last year the province participated in recruitment fairs in England and Holland. This year we will again be participating with the other Atlantic provinces. In addition, private immigration agents help to promote P.E.I. as a destination for those interested in investigating or starting up businesses.

Originally, there were three categories in this nominee program: The immigrant partner, those who would be willing to invest in a local enterprise and sit on the board of directors; the skilled worker, those who have the skills necessary to fill gaps in P.E.I.'s labour market; and immigrant entrepreneur, those who have experience running a business and will start up a new business in Prince Edward Island.

This year our province has added the immigrant connections category, one we hope will attract even more immigrants to the province. The idea is unique to Prince Edward Island. Recent immigrants to the province can suggest another individual for nomination — a relative, close friend, someone they know can make a difference to the Island. The beauty of such a program is it can greatly assist new immigrants integrate into Island life, since they will have a familiar support network as soon as they arrive and, in the long run, a good reason to stay.

In the first year the nominee program brought only seven new immigrants, but in 2005 and 2006 there were 248 program participants. Therefore the program is working. The number of provincial nominees has increased every year since the program's inception. In fact, Prince Edward Island achieved the highest population growth in Atlantic Canada last year. That was 0.18 per cent and that was mostly due to immigration and in-migration. However, that growth rate is short of the 1.5 percentage growth that is estimated to keep P.E.I. productive and prosperous.

Yes, some progress has been made, but not enough. In October 2001, when Parliament replaced the original 1976 Immigration Act with a new Immigration and Refugee Protection Act, the department noted on an information sheet that one of the bill's objectives was:

...to support the development of a strong and prosperous Canadian economy, in which the benefits of immigration are shared across all regions of Canada.

However, you will remember that in the fall of 2001, our perspective on legislation like the Immigration Act was influenced by the tragedy of September 11.

• (1440)

It so happened that the bill contained several measures designed to improve security aspects of our national immigration system. The focus of the Social Affairs Committee was naturally on these important and somewhat controversial changes.

As a result, the committee could not thoroughly examine the issue of how the current immigration policy produces different results in different regions of the country. However, the committee concluded that the whole system was in need of a comprehensive study beyond the specific issues addressed in the legislation at the time. The committee included a recommendation in the observation section of its report — a recommendation that has largely been overlooked:

...the Committee is of the opinion that the Senate should consider doing an in-depth study of all aspects of Canada's immigration and refugee protection system.... Such a study

should define the fundamental issues and include a review and analysis of previous governmental studies on the Canadian immigration and refugee systems.

However, in the past few years there has not been any significant parliamentary work on immigration policy.

Honourable senators, I would like to point out that there is no coincidence that the regions that are experiencing the highest levels of immigration are also experiencing substantial economic growth. We know that immigration is good for the economy, which is why there is a need for every region to receive some of that benefit.

With this in mind, I am pleased that ACOA has been leading the Atlantic Population Table, which first met in August 2005. Through these meetings, Citizenship and Immigration Canada have been in discussion with the four Atlantic provinces on initiatives that might form an Atlantic immigration strategy with the collaboration of ACOA, HRSD, the Council of Atlantic Premiers, as well as the Privy Council Office.

I do think immigration statistics show that current policies are not fully addressing the needs of the regions. Some positive steps have been taken in recent years. The provincial nominee program is certainly a good initiative, but it is only a small way to spread the benefits of immigration across the country. The program will not solve this regional problem on its own.

I would like to recommend a comprehensive review, one that would identify new ways of ensuring that the benefits of immigration are brought to every region of the country. It is the kind of policy the Senate does well, and is one we should consider in the near future.

On motion of Senator Fraser, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO REFER ISSUE OF DEVELOPING SYSTEMATIC PROCESS FOR APPLICATION OF CHARTER OF RIGHTS AND FREEDOMS TO THE SENATE—DEBATE ADJOURNED

Hon. A. Raynell Andreychuk, pursuant to notice of October 5, 2006, moved:

That the Senate refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the Charter of Rights and Freedoms as it applies to the Senate of Canada.

She said: Honourable senators, I move the motion standing in my name.

The Hon. the Speaker: Is it agreed, honourable senators?

On motion of Senator Andreychuk, debate adjourned.

[Translation]

MOTION TO AUTHORIZE COMMITTEE TO STUDY
PROVISIONS OF THE CONSTITUTION ACT, 1867
RELATING TO SENATE

Hon. Daniel Hays (Leader of the Opposition), pursuant to notice of November 22, 2006, moved:

That the Standing Senate Committee on Rules, Procedure and the Rights of Parliament be authorized to examine and report upon the current provisions of the Constitution Act, 1867 that relate to the Senate and the need and means to modernize such provisions, either by means of the appropriate amending formula in the Act and/or through modifications to the Rules of the Senate. In particular, the Committee shall be authorized to examine:

- (a) section 23 of the Constitution Act, 1867, with respect to the qualifications of a Senator;
- (b) sections 26 and 27 of the Constitution Act, 1867, with respect to the addition of Senators in certain cases and the reduction of the Senate to its normal number;
- (c) section 29 (1) of the Constitution Act, 1867, with respect to tenure in the Senate;
- (d) section 31 of the Constitution Act, 1867, with respect to the disqualification of Senators;
- (e) section 34 of the Constitution Act, 1867, with respect to the appointment of the Speaker of the Senate;
- (f) section 36 of the Constitution Act, 1867, with respect to voting in the Senate;
- (g) any other related section of the Constitution Act, 1867; and

That the Committee submit its final report no later than June 21, 2007.

He said: Honourable senators, on November 22, 2006, I gave notice that I intended to propose a motion to authorize the Standing Senate Committee on Rules, Procedure and the Rights of Parliament to examine certain amendments that could be made to the Constitution Act, 1867, by Parliament exclusively.

My purpose today is to explain what lies behind that motion. My colleagues will recall that, in June, the Special Senate Committee on Senate Reform was given the mandate to study Senate reform in general and to examine the subject-matter of Bill S-4 and the Murray-Austin motion in particular.

[English]

Although we spent the majority of our time specifically looking into the matters that had been referred to us, we were constantly drawn into a discussion pertaining to broader parliamentary reform and to the role of a modern Senate within our system. We were reminded that our Parliament could be modernized or made

more efficient without getting into federal-provincial negotiations, which is to say through the amending formula provided for in section 44 of the Constitution Act, 1982.

It has always been our duty in this chamber to consider, propose and improve legislation, and we now have a unique opportunity to make a valuable contribution to matters before us in the context of Bill S-4 and the Murray-Austin motion. These questions will be decided by a free vote and our deliberations, I hope, will provide an example of the Senate at its best, working to improve this institution and ensure Canada's interests are well served.

With this in mind, and towards that end, I wish to offer suggestions about provisions of the Constitution that I believe could be usefully examined by our committee at this time. As indicated in the motion, I am referring specifically to sections 23, 26, 27, 29(1), 31, 34, 36, and related sections of the Constitution Act, 1867.

[Translation]

I note, in passing, that our committee could also examine the possibility of formulating one or more draft bills with a view to modernizing a number of the sections in the Constitution affecting the Senate, and even preparing a question that could, if needed, be submitted to the Supreme Court.

[English]

I will address the sections mentioned in numerical order as they appear in the Constitution and in the motion, and not in order of their importance. It would be difficult to rank them in order of importance, and I thought it simpler to do them numerically.

To begin with, the Senate Rules Committee should examine section 23 of the Constitution Act, 1867, which deals with the qualification of senators. First, the minimum age requirement in subsection 23(1), which is now 30, could be amended and brought more in line with section 3 of the Canada Elections Act. This would mean that membership in our chamber would be open to Canadian citizens of voting age; however, 20 or 25 could be the age chosen if 18 is not felt to be acceptable.

Second, our Rules Committee should look at subsection 23(2), which specifies that senators must be natural-born subjects of the Queen or persons naturalized by the Parliament of Canada after the Union. The wording is archaic, and if we were to follow the model of the Canada Elections Act, we could simply say a senator must be a Canadian citizen.

As well, the \$4,000 property qualification for senators, as stipulated in sections 23(3) and 23(4), is something our Rules Committee could examine carefully. In my view, it is vestigial. The language used is archaic and this qualification no longer serves its original purpose. The committee should consider whether these subsections could be changed to allow the \$4,000 property qualification to be deleted.

Moreover, honourable senators, subsection 23(6) contains provisions for Quebec that are quite distinctive, since they require that senators live in or own \$4,000 worth of property in one of the province's 24 senatorial districts. As it stands, this requirement is somewhat archaic, since it reflects the electoral

districts held by Canada East in the Legislative Council of Canada prior to Confederation. As well, it includes only the southern part of the province while completely ignoring the north. It might be removed or changed by virtue of the section 43 amending formula, which pertains to provisions relating to some but not all provinces, and it would only require resolution from Parliament and the National Assembly of Quebec.

Of course, any such change could only proceed at the request of Quebec and with its approval.

• (1450)

Another area we should look at modernizing is section 26, which allows the Queen to appoint four or eight extra senators to resolve deadlocks between the House of Commons and the Senate. This provision has only been used once, to break the deadlock over the GST in 1992, and it proved controversial. As well, it excludes Newfoundland and the territories from the process. It could be replaced by an entirely new provision dealing more constructively with deadlocks between the two chambers when they arise.

A new practice could involve greater use of conferences, joint sessions, extraordinary majorities or special voting procedures in the Senate. In fact, conference committees have provided a useful means of managing deadlock in other bicameral institutions, particularly those where the legislative power of both chambers is more or less equal. I am thinking particularly of the United States Congress, where most conference committees do reach agreement. Those committees have been called the third house of Congress and are seen as low-cost negotiations to achieve consensus on important legislation.

As we know, the Canadian Constitution does not provide an effective mechanism to break legislative deadlock. In the end, the House of Commons or the Senate, if they insist on amendments and refuse a request for a free conference — a procedure which is provided for in section 78 of the *Rules of the Senate* — the other chamber is left with the only option of rejecting the measure outright.

This possibility can be more fully discussed in committee. For instance, an amendment to the Constitution could be suggested to provide that if there is a disagreement on a public bill whereby either the Senate or the House insists on its amendments, a conference committee would be established and it would prepare a report to be either approved or rejected by both Houses.

As for section 27, which provides for the reduction of Senate seats following the appointment by the Queen of four or eight senators to break a deadlock between both Houses, it could be deleted if section 26 is amended as suggested.

Honourable senators, I believe it is also important for the Rules Committee to examine the provisions pertaining to the reasons for disqualifying senators, namely, section 31 of the Constitution Act, 1867. This section provides a list of reasons for which the place of a senator should be vacated or under which a senator should be removed from his or her seat. Its language is archaic, and I am sure that modernizing it would be appropriate at this time.

For example, we need better guidelines with respect to subsection 31, the vacating of a senator's seat if he or she fails to appear for two consecutive sessions. Section 33 of the Constitution Act, 1867 states that any question respecting the disqualification of a senator or vacancy in the Senate shall be heard and determined by the Senate. The Rules Committee might recommend that the Senate determine, from time to time, the attendance requirements necessary for a senator to retain his or her seat.

To emphasize the importance of fairness, an extraordinary majority of the Senate could be required to implement or change such a rule. I note, however, that this approach would require that attention be paid to section 36 of the Constitution, which specifies that questions arising in the Senate shall be decided by a majority vote.

Let me now turn to subsection 31(2), which, as I read it, essentially states that a senator's seat should be vacated if the senator becomes a dual citizen. It seems clear to me that if dual citizenship is allowed under the laws of Canada and does not interfere with membership in the other place, it should not disqualify someone from remaining a senator.

As for section 31(3), I am certain that most of you will agree that senators who become bankrupt should vacate their seats. This subsection also refers to a senator who "applies for the benefit of any law relating to insolvent debtors," and it is something our committee should look at carefully. Indeed, as W.H. McConnell noted in his *Commentary on the British North America Act*, this stipulation could have applied, for example, to a hypothetical senator from the Prairies in the 1930s seeking creditor relief under the Farmers' Creditors Arrangement Act. In any event, I am sure that the wording of this section can be modernized and thereby improved.

Another disqualification for senators specified in section 31(4) of the act concerns a senator "attainted of Treason or convicted of Felony or of any infamous Crime."

This section is due for review.

Senator Oliver: Are you sure?

Senator Stratton: Is there a particular reason?

Senator Hays: There are many reasons.

The crime of treason is still in the Criminal Code, although it is very rarely invoked. The word has been contentious in Canadian history and its place in this section should be clarified. The concept of "felonies" and "misdemeanours" were replaced in the original Canadian Criminal code by "indictable offences" and "summary convictions." Generally speaking, in 1867 felonies were graver crimes, perhaps punishable by death, which resulted in the forfeiture of the perpetrator's lands and goods to the Crown. It would seem reasonable to replace the word "felony" with "indictable offence."

The concept of an infamous crime in subsection 31(4) is harder to translate into modern circumstances but, generally speaking, it is likely to be associated with a proven inability to hold the public trust. Crimes involving public fraud or corruption of public

justice or public administration tend to be classed as infamous crimes. If a senator violates the public trust, his or her seat should be vacated.

Determining the modern interpretation of these terms is a matter of expertise, and we should encourage our Rules Committee to look at this very carefully.

Among other matters, it would be necessary to determine if the word "convicted" referred to the first level of judicial authority or whether all appeals had to be exhausted and, if the latter, the status of the senator during that intervening period.

Let me mention that the Rules Committee has already done much good work in this area and continues to be engaged in that process.

Last on the list of disqualifications of senators is subsection 31(5). It requires a seat to be vacated if a senator no longer meets the property or residence qualifications. The residence qualifications cannot be changed except through the general amending formula, but it is interesting to note that section 31(5) refers to property or residence qualifications. The Rules Committee might consider whether something could be done about the outdated reference to property.

Honourable senators, those of us familiar with the history of this place know that electing our Speaker has long been a subject of discussion, and I note in passing the work done in this regard by Senator Oliver through various private member's bills.

I also underline that in 1980, the Goldenberg-Lamontagne committee recommended that we elect our Speaker. Our former Speaker, Senator Molgat, also proposed a bill to elect the Speaker of the Senate in September of 1988. I note as well that, as you all know, as of July 4 of this year, the House of Lords has an elected Lord Speaker.

Accordingly, I believe that the Rules Committee should examine the possibility of amending section 34 to provide that our Speaker be in effect elected by the Senate. To ensure that the role of the Governor General is not affected, which would be outside the scope of a section 44 amendment, it might be best to state that the Governor General would continue to appoint the Speaker, but on recommendation from the Senate. This would remove the prime ministerial prerogative to appoint the Speaker of the Senate, but prerogatives can be overridden by a section 44 amendment. If deemed necessary, it might be subject to a reference to the Supreme Court.

The last section I will suggest the Rules Committee examine pertains to the language of the oath of office. At present, by virtue of section 128, senators must swear allegiance to the present King or Queen — our Queen — of the United Kingdom of Great Britain and Ireland, as discussed in schedule 5 of the Constitution Act. This section might well be modernized to allow senators to swear allegiance either to the Queen or to Canada or to both. I feel this would be in keeping with the evolution of our country and its institutions while fully respecting our origins and traditions.

Moreover, the Rules Committee would have to ensure that any such change not apply to other institutions mentioned in section 128, including the House of Commons.

• (1500)

[Translation]

Honourable senators, I will close by pointing out that, since its creation in 1867, the Senate of Canada has become a modern and functional legislature. Even though with Great Britain's House of Lords, it remains one of the rare unelected second chambers, the Senate has adapted to change through various administrative reforms that have allowed it to better assume its legislative role and to defend the interests of Canadians more effectively.

Changes that have contributed to its modernization include the granting of research budgets and discretionary budgets to senators in the 1980s, major procedural changes in 1906 and in 1991, broadcasting of committee sessions and reforming Royal Assent.

[English]

However, even if the Senate has done considerable adapting over the years, streamlining its operations and giving itself the tools it needs to perform its legislative, investigative and representative functions more efficiently, I believe that further reform ought to be considered.

The changes I am suggesting our Rules Committee look into would, for the most part, involve constitutional amendment under section 44 of the Constitution, which allows Parliament to make amendment without provincial involvement. I believe such reform is feasible, since it is mainly within the exclusive power of Parliament. I will underline that two such amendments have been made in the past: in 1985, with respect to the Representation Act, and in 1999, with the creation of Nunavut.

Moreover, in my view, the time is ripe to address further section 44 amendments. The government has launched a reform initiative, and I think it behooves all senators to engage the subject with full confidence, in the knowledge that we have the experience, expertise and institutional memory to speak to it with unique and unrivalled authority.

Honourable senators, I hope you will join me in supporting the motion so that, together, we can show Canadians that we are committed to making the Senate of Canada the best institution it can possibly be; that we are resolved to continue building on the solid foundation of peace, order and good government bequeathed to us by the founding fathers.

This is the challenge before us, and I am confident that the Senate will do full justice to it.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have a question. I listened especially carefully to the last comments that the honourable senator made, that we in this chamber have the experience and wisdom — with which I agree; there is no group better prepared to do it — to look at the institution of the Senate and consider how to bring it into the 21st century. However, consider our recent experience with respect to the issue of eight-year Senate tenure. We have been dealing with a very simple thing and we were not able to handle it. We have had this subject before us since May 26. How can we even suggest that we could go to more complicated areas of Senate reform when we cannot even handle the subject of eight-year Senate tenure?

Senator Hays: Honourable senators, I am not sure that all senators agree about how simple it is to deal with the matter of tenure. I do not intend to comment. The report of the special committee in which I participated speaks to my views, but it was not a unanimous position taken by all senators. As time has passed, many senators — such as Senator Callbeck yesterday — have decided that they wish to speak and engage on this subject, and after carefully reading the committee's report and considering the evidence on which we relied, some senators have questions. I am not sure how this will all play out but I do not think that the fact that we have engaged on that matter, or the Murray-Austin motion, should prevent us from looking at other matters. In fact, I tried to say in my speech that it should encourage us to take on more of these issues in terms of the modernization and reforms that we could make to the Constitution and to the basis of the function of the Senate, and thereby demonstrate to Canadians that we are interested in engaging in the subject and have some good ideas.

Senator Comeau: Honourable senators, it is quite the contrary. I think we have demonstrated that we may be too close to the issue and that we do not have the desire to deal with it as a chamber. I personally sat on the committee and I thought the work was great. We had a number of superb witnesses who gave us great advice, and we approached the subject seriously. The chair did a superb job. Initially, I was a little reluctant, but I found the chair to be eminently fair, and the manner with which he approached the subject I found to be highly valuable.

However, I think of the old expression, "The proof is in the pudding." It shows that we are not ready to do it. Eight-year tenure is a very simple matter, and it is amendable if need be. At least let us make a decision on it. We are still grappling with what is a minor element of Senate reform. In my view, it shows us that we are not ready, and I do not think the desire is there for us to do it.

Senator Hays: Honourable senators, I will take that as a comment and not a question, which is provided for under the rules, and comment back that Senate reform has not proven to be easy, as we know, in the Canadian context. The last initiative was undertaken by Prime Minister Mulroney and ended in 1992 after a referendum with no change regarding the Meech Lake Accord; and the Macdonald Commission, which was a royal commission that proposed changes to the Senate.

If we think about it, the only changes we have actually made were in 1965 and in 1982, one involving tenure and one involving the powers of the Senate on matters of constitutional change where the provinces are engaged.

Obviously, there are some senators who think that this is more complicated than Senator Comeau does.

Hon. Lowell Murray: Honourable senators, I wonder whether the Leader of the Opposition, as an officer of the house who is in close touch with the government, is in a position to comment on reports circulating presently to the effect that (a) a government bill providing for advisory elections to the Senate is now ready for tabling in the House of Commons; (b) that meanwhile, the Prime Minister has the intention of filling vacancies with a slew of Conservative appointees, each of whom, (c), would commit himself or herself to respect the hypothetical fixed terms; and (d) to seek election in the hypothetical elections to come.

Senator Tkachuk: I am sure Senator Hays has knowledge of those.

Senator Hays: Senator Murray speculates that I am close to the government, but it is not so, and probably happily not so. I am the Leader of the Opposition, after all.

The Prime Minister said, when he appeared before the committee, that this bill regarding advisory elections, as we have been calling them — maybe that term is incorrect; Senator Segal had an interesting term for it early in the debate, although now I have forgotten it — is due here, and it is still fall, although the cold weather in my home province would not lead us to believe that, and we have until December 21 before fall has ended. The Prime Minister said that the bill would be here in the fall. He hoped to have it before us at that time. I take him at his word, and I would not be at all surprised if we did receive the bill, but I do not have any special information in terms of filling Senate vacancies. I am of two minds. It is nice with these empty seats and office space, and so on, but the fact of the matter is that senators represent provinces. When senators are not in their seats representing those provinces, then Parliament is not functioning as it should. I am surprised that the Prime Minister has not been criticized more than he has been, for failing to fill those seats.

• (1510)

In terms of failing to fill the seats, I do not know that we should be complaining if they are filled. For Canadians to be well represented, I think their Senate should have full representation from all provinces.

On motion of Senator Tkachuk, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY LITERACY PROGRAMS

Hon. Wilbert J. Keon, for Senator Eggleton, pursuant to notice of November 28, 2006, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the future of literacy programs in Canada, the consolidation of federal funding and the role of literacy organizations in promoting education and employment skills in Canada.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I know that Senator Keon is aware that on our side we are keenly interested in this topic. Nonetheless, I think it would be appropriate if he could give the house a small description of what will be involved in this study.

Senator Keon: Honourable senators, I would prefer to punt this to Senator Fairbairn, who knows so much more about this subject than I do. However, I can tell you that the general intent of the committee was to deal with the smaller subjects as quickly as we could. We then intend to embark on two major subjects in the New Year. This is one of the smaller subjects. I would think Senator Fairbairn is more qualified to speak on this than I am.

Senator Fraser: The honourable senator does not need to persuade me of the importance of examining literacy; I was thinking of the committee process. I gather from what you said that this will not be a massive study for the next 10 years and that we are not looking at vast travel budgets, and so on.

Senator Keon: I must admit that I did not discuss this in detail with Senator Eggleton, but we had discussed an overall plan at the committee. The overall plan was to deal with autism, to deal with Senator Carstairs' committee immediately, to deal with literacy this fall, and when we come back to embark on two major studies.

Senator Fraser: I will take that as a full and adequate answer.

Senator Keon: Perhaps I should not discuss this at more length. I do not know what the travel budget would be. I do not think it will be extensive.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I would like to ask the senator whether this committee currently has other studies on the table. Is it, at this time, examining other issues referred to it by the Senate?

[English]

Senator Keon: We intend to address these subjects, but no other subjects than the five I mentioned.

Senator Corbin: I am not sure the senator understood my question. Do you currently have other topics under study in the committee?

Senator Keon: I am not sure I understand your question, but there is a special committee of Senator Carstairs and there is a study on autism currently underway. This study will occur immediately following the completion of the study on autism. In the New Year, we will embark on a study of the cities under Senator Eggleton and a study on population health that will be a subcommittee of the committee chaired by myself.

Senator Corbin: I noticed that you do not have a reporting date with respect to this study. That ties in with some earlier comments. I am sure it is not open ended, but normally when you present a motion of this kind to the Senate you have attached to it a reporting date.

Senator Keon: I am afraid you are correct. I did want to move this along. I should have taken more time to discuss this with Senator Eggleton, but I am sure he would be happy to supply that information and I certainly will supply it to you next week.

The Hon. the Speaker: Are senators ready for the question?

It was moved by the Honourable Senator Keon that the Standing Senate Committee on Social Affairs, Science and Technology —

Hon. Senators: Dispense!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

Hon. A. Raynell Andreychuk, pursuant to notice of November 28, 2006, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on Human Rights which was authorized to examine and report upon Canada's international obligations in regards to the rights and freedoms of children, be empowered to extend the date of presenting its final report from December 31, 2006 to March 31, 2007 and that the Committee retain until June 30, 2007 all powers necessary to publicize its findings.

The Hon. the Speaker: Are honourable senators ready for the question?

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

COMMITTEE OF SELECTION

FIFTH REPORT OF COMMITTEE ADOPTED

Leave having been given to revert to Other Business, Reports of Committees, Item No. 3:

The Senate proceeded to consideration of the Fifth Report of the Committee of Selection (*change of membership to the National Security and Defence Committee*), presented in the Senate on November 28, 2006.

Hon. Terry Stratton: Honourable senators, I move the motion standing in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

The Senate adjourned until Tuesday, December 5, 2006, at 2 p.m.

THE SENATE OF CANADA PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)
(1st Session, 39th Parliament)

Wednesday, November 29, 2006

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23		

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3 rd (including 1 amend. to report) 06/11/09 Total 158	06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21 Referred to committee 06/11/23		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 ^d	R.A.	Chap.
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications					
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03		
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06							
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs					
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21							
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs					
C-25	An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act	06/11/21	06/11/28	Banking, Trade and Commerce					
C-38	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No. 2, 2006-2007</i>)	06/11/29							
C-39	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No. 3, 2006-2007</i>)	06/11/29							

[illegible]

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources					
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans					
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							
PRIVATE BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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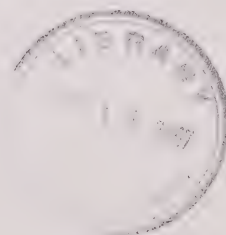
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OFFICIAL REPORT
(HANSARD)

Tuesday, December 5, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry,
and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Tuesday, December 5, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

MOTION DECLARING QUEBEC A NATION WITHIN A UNITED CANADA

Hon. Andrée Champagne: Honourable senators, on Monday, November 27, 2006, the halls of Canada's Parliament echoed the sound of a new song: Quebecers were finally recognized as a nation, a distinct group within our country, Canada — a Canada no less united than before. Quite the contrary.

All of us whose roots go back to the people who helped establish the French colony in the New World; all of us who are true Quebecers and proud of it because our ancestors were the ones who built this nation; all of us still living in the province whose largest settlements were once called Stadacona and Hochelaga; those of us, too, whose lives have led us elsewhere but who have never forgotten our roots; all of us who have succeeded in preserving our language and our culture on a continent that has become English-speaking and even Spanish-speaking — we are all proud that we are finally being recognized for what we are: a distinct society within a great country that, because of us, is unlike all others.

A country where, with Canadians of many origins, with others who have chosen us and whom we have adopted, we continue to build the most marvellous country in the world. A country where two official languages live and work side by side. A country that may have taken some time to recognize this difference — our difference — but that, in the end, acknowledged that we are a nation within Canada.

On that unforgettable evening, an evening I had been waiting for for nearly two decades, I had but one regret. There was someone I would have liked to have seen in the gallery, someone I think deserves our recognition, someone who made this one of the goals of his political career. I would have liked to have thanked the Right Honourable Brian Mulroney. I wondered where he was as the members rose to express their respect for the Quebec nation, which will always stand tall within the splendid country of Canada.

• (1405)

Lastly, we owe this recognition to Stephen Harper, a Prime Minister born in Ontario who grew up in Alberta, which is simply one more example of what it means to be Canadian.

I am originally from Quebec and I am happy to still live there today. I watch my granddaughter grow up and I try to care for her great-grandfather.

Honourable senators, I would like to assure you here today that we in Quebec also have glowing hearts, that most Quebecers are proud Canadians and that we are even more so after this historic vote.

[English]

LIBERAL PARTY OF CANADA CONVENTION

Hon. Catherine S. Callbeck: Honourable senators, this past weekend saw one of the most exciting and significant political conventions in the history of this country. Members of the Liberal Party from across Canada gathered in Montreal to elect a new leader to prepare to form the next government.

Not only did the convention see the election of a new leader, but, as well, the adoption of a new party constitution and the election of a new national executive under the presidency of our colleague, Senator Poulin. I would like to congratulate her on achieving her new office.

Some Hon. Senators: Hear, hear!

Senator Callbeck: The party has emerged from this convention as a strong and united party, with a clear vision for the future of this country and its people. This is why the Liberal Party remains the most successful political organization we have ever seen in this country.

The new leader, the Honourable Stéphane Dion, brings to his new position the experience, energy and commitment to lead this party and this country. His leadership is based on the three pillars of economic progress, social justice and environmental responsibility. His vision reflects the values of liberalism: the values of respect for the individual, compassion for the needs of others and recognition of the equal rights of all Canadians in a strong and united country.

His vision also includes the recognition that if we are to continue to grow and develop as a nation, we need to recognize that the health and well-being of our economy and of our society rests on the health and well-being of our environment. We all face this great challenge in the 21st century. Sustainable development means a better future for present and future generations of Canadians.

Honourable senators, I ask you to join me in extending our congratulations and best wishes to Mr. Dion as he assumes his new responsibilities as leader of the Liberal Party and of the official opposition.

[Translation]

THE HONOURABLE MARIE-P. POULIN

CONGRATULATIONS ON BECOMING PRESIDENT OF THE LIBERAL PARTY OF CANADA

Hon. Lise Bacon: Honourable senators, I would like to commend our colleague, Marie Poulin, who was elected President of the Liberal Party of Canada on Saturday, December 2, 2007. I would like to extend my congratulations and best wishes for every success with her new duties.

Ms. Poulin has accepted a formidable challenge, namely, leading the Liberal Party in a new direction and bringing all its members closer together. She will inevitably be called on to tackle a number of important tasks in the coming months.

In a political party, the president has three main responsibilities. The first involves representing the party, which means personifying or being the face of the party in public. Senator Poulin will be loyal and powerful voice for our supporters. She is, without doubt, an excellent communicator. She is perfectly bilingual, and is very familiar with our political party and our grassroots supporters. She will be fully capable of giving our party a modern, forward-looking and committed image and communicating a coherent message to the general public.

Providing leadership is also one of the main responsibilities of the president. Senator Poulin has held management positions in both the private and the public sectors. Her experience, tact and diplomacy will serve her well.

She will be capable of establishing objectives and ensuring that they are met. The most important duty of the president of a party is to be accessible and available to all party members. Marie Poulin has undeniable interpersonal skills as we all have discovered already in our dealings with her.

She is an individual of great sensitivity who also has a remarkable ability to listen to others. I am confident that under the leadership of Marie Poulin the Liberal Party will be even more engaged with its grassroots and will become a party that is very close to its members.

We are proud that one of our colleagues has been entrusted by her party with such a key role as that of president. Marie Poulin has the requisite qualities to carry out the vital tasks that I have mentioned.

I wish her good luck and assure her of my full support.

• (1410)

[English]

LIBERAL PARTY OF CANADA CONVENTION

Hon. Terry M. Mercer: Honourable senators, this past weekend, thousands of members of the Liberal Party of Canada gathered in Montreal to see the election of a new leader for our party. I understand from some of my colleagues on the government side that they also made pretty good television. It

was a time for reflection on our policies, on our structure and on ourselves. It was a time to see old friends, renew friendships we have forgotten and, at the same time, make some new friends.

Honourable senators, while doing these things, we emerged from our convention united, strong and proud. We rallied behind our new leader, the Honourable Stéphane Dion, a leader in whom we all believe. Mr. Dion brings a pan-Canadian perspective to the Liberal Party through his experience in several key posts at the cabinet table. With the help of Gerard Kennedy, who was pivotal in Mr. Dion's election as leader, and the help of all the other candidates, the Liberal Party of Canada will unify the country in new ways and through new ideas.

Honourable senators, Mr. Dion has a track record of success and can earn the trust of Canadians from coast to coast to coast. While I listened to the Right Honourable Jean Chrétien speak on the weekend, I remembered that the true success of the Liberal Party of Canada is that we are bold and creative and willing to change as we evolve in politics. That is who we are; that is who Mr. Dion is.

Honourable senators, leadership is about making the difficult decisions that are necessary, not the easy choices that may be politically expedient. That is what I believe the Liberal Party represents, that is what I believe Mr. Dion represents and that is what I believe Canadians will come to trust.

SAIL TRAINER OF THE YEAR AWARD

CONGRATULATIONS TO CAPTAIN DANIEL D. MORELAND

Hon. Wilfred P. Moore: Honourable senators, the American Sail Training Association of Newport, Rhode Island, at its annual meeting held last month, bestowed its Sail Trainer of the Year Award upon Captain Daniel D. Moreland, of Lunenburg, Nova Scotia. He is the master of the 300-tonne steel barque *Picton Castle*, which he sailed into her home waters of Lunenburg Harbour this past June to safely complete her fourth around-the-world voyage. The 35 trainees onboard work, stand watch and learn the way of square-rig seafaring, including rigging, sail-making, boat-handling, navigation and practical seamanship.

We salute Captain Moreland for this prized recognition and wish him, the *Picton Castle*, and all who sail in her, fair winds always.

[Translation]

LIBERAL PARTY OF CANADA CONVENTION

Hon. Claudette Tardif: Honourable senators, I would like to take this opportunity to congratulate the new leader of the Liberal Party of Canada, the Honourable Stéphane Dion.

[English]

I would also like to take this opportunity to commend all of the candidates who took part in the leadership race. I am confident that we will all continue to work together and contribute in a positive way to help our new leader.

[Translation]

In 1996, when I was dean of the Faculté Saint-Jean in Edmonton, I had the opportunity to meet Mr. Dion shortly after he became Minister of Intergovernmental Affairs. Mr. Dion was touring the West in order to better recognize and understand the challenges that official language minority communities were experiencing.

He was surprised to see the vitality of the francophone community of Alberta and the challenge it faced.

What struck me then was his sincere interest and what struck me later was the intensity with which he promoted linguistic duality across the country. Over the years, I have also noticed that Mr. Dion is a man of action and principle in everything he does.

As you know, Mr. Dion is the "father" of the Action Plan for Official Languages, which, starting in 2003 over a period of five years, has injected \$750 million for linguistic duality and official language programs.

Francophone minority communities have always had a strong ally in Mr. Dion. Furthermore, in a press release, the Fédération des communautés francophones et acadienne warmly welcomed Mr. Dion as the new leader of the Liberal Party.

Honourable senators, I am certain that Mr. Dion, as a francophone, a Quebecer and a Canadian, will bring the same passion, intelligence and intensity he has always had to his new post as leader of the Liberal Party of Canada.

• (1415)

ROUTINE PROCEEDINGS

ACCESS TO INFORMATION COMMISSIONER

NOTICE OF MOTION TO APPROVE APPOINTMENT OF MR. ROBERT MARLEAU

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, in accordance with Section 54 of the Access to Information Act, Chapter A-1, R.S.C. 1985, the Senate approve the appointment of Robert Marleau as Information Commissioner for a term of seven years.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ASSISTED HUMAN REPRODUCTION ACT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

[Senator Tardif]

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to undertake a review of the proposed Regulations under Section 8 of the Assisted Human Reproduction Act, deposited with the Clerk of the Senate on October 27, 2006; and

That the committee submit its final report no later than thirty sitting days after the proposed regulations were laid before the Senate.

YOUNG VOLUNTEERS

PRESENTATION OF PETITION

Hon. Pierre Claude Nolin: Honourable senators, I have the honour to present a petition signed by more than 12,000 young Canadians from across Canada who are calling on Parliament to enact legislation or take measures that will allow all young Canadians who wish to do so to serve in communities as volunteers at the national or international levels.

[English]

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—FIRING OF PRESIDENT AND CHIEF EXECUTIVE OFFICE

Hon. Grant Mitchell: Honourable senators, this government is forever banging the drum of open and accountable government. They even bang the drum of free votes.

However, when it comes to the Canadian Wheat Board, they want anything but openness, and they certainly do not want a free producer vote.

Senator Mercer: The fix is in.

Senator Mitchell: The government fired a board member because he supports the Canadian Wheat Board; they excluded Manitoba, Saskatchewan and British Columbia from important consultation because these provinces support the Canadian Wheat Board; they excluded wheat producers from a referendum on the wheat board because, undoubtedly, they support the Canadian Wheat Board; they tried today to cancel the appearance of key witnesses before the House of Commons Standing Committee on Agriculture and Agri-Food because the witnesses support the Canadian Wheat Board; and the government has now threatened to fire the president and CEO of the Canadian Wheat Board because he supports the Canadian Wheat Board and he wants to be able to talk about it.

Some Hon. Senators: Shame!

Senator Mercer: Despicable.

Senator Mitchell: Can the Leader of the Government in the Senate tell us why her government is firing the President and CEO of the Canadian Wheat Board if it is for any reason other than that the government simply disagreed with him, and the government does not like it?

• (1420)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Mitchell for his question. However, before I answer that question, I should like to add the congratulations of senators on this side to all of the others offered to the Honourable Stéphane Dion on being elected leader of the Liberal Party of Canada and Leader of the Opposition, and as well to our colleague, Senator Poulin, on her success in winning the presidency of the Liberal Party.

I ran into many of you at that convention. I must say, there were a lot of Liberal double takes by those who saw me walking around the convention corridors. The convention was rather fun; I enjoyed myself very much. I appreciated the courtesy and hospitality that was shown to me, except by some Michael Ignatieff people who threw me out of my seat in the convention.

Senator Segal: Shame!

Senator LeBreton: In answer to Senator Mitchell's question, as the honourable senator knows, the CEO of the Canadian Wheat Board is chosen by the board of directors. In fact, the position is and has always been an at-pleasure appointment of the government. In the last election, we campaigned on marketing choice, and Minister Strahl is dealing with the issue as prudently and efficiently as possible. It is clear that the government wants marketing choice for Western wheat growers. I fully support what the minister is doing with regard to providing marketing choice for the Canadian Wheat Board.

Senator Mitchell: Honourable senators, it was kind of the leader to congratulate both Mr. Dion and Senator Poulin. I venture to say that they both support the Canadian Wheat Board, too.

In stating that it is the discretion of the Minister of Agriculture to appoint the CEO of the Canadian Wheat Board, why is the Leader of the Government denying that historically and traditionally the Canadian Wheat Board CEO has always been appointed on the recommendation of the members of the board, many of whom are elected? In fact, in this case, one of the members of the board who actually agrees with the government's position on the board has petitioned the minister to stay out of the way and not to fire the CEO and President of the Canadian Wheat Board.

Senator Austin: He is still there?

Senator LeBreton: Minister Strahl has made it very clear that he believes the Canadian Wheat Board should concentrate on its core role of selling Canadian wheat and not engage in politics or costly legal actions.

As the honourable senators knows, the Canadian Wheat Board's code of conduct states that directors must remain impartial and retain the perception of impartiality in relation to

their duties and responsibilities and that they must not use corporate facilities or equipment and resources in support of their own activities.

There is no question that this issue is very important to Western grain growers and wheat producers. It is also clear that in the last election we campaigned on marketing choice. Minister Strahl is in the process of implementing the commitment of the government.

Senator Mitchell: Honourable senators, maybe we should put Minister Strahl in charge of the staff in the leader's office; perhaps he would fire that guy who has been spying on senators.

Some Hon. Senators: Hear, hear!

Senator Mitchell: In calling a referendum on the Canadian Wheat Board, why is the government polling only barley farmers and not wheat producers? Has the government forgotten that the name of the organization is the "Canadian Wheat Board" and not the "Canadian Barley Board"?

• (1425)

Senator LeBreton: Clearly, the government is committed to implementing marketing choices for Western Canadians, whether they grow wheat or barley. As the honourable senator knows, there will be a barley plebiscite early in the New Year.

Again, I point out to Senator Mitchell that marketing choice was clearly understood as a policy of the government, a policy that it campaigned on in the last election. Obviously, there are people on both sides of the issue, and that is their right. Nevertheless, the government is following through on a commitment it made during the last election campaign.

FOREIGN AFFAIRS

CHINA—HUMAN RIGHTS ISSUES AND TRADE RELATIONS

Hon. Jack Austin: Honourable senators, my questions are directed to the Leader of the Government.

Some senators may remember the following old football chant:

Rickety Rickety Ree
Kick him in the knee
Rickety Rickety Rass
Kick him in the "Layton."

Honourable senators, I thought Prime Minister Harper gave a very effective answer when he said he would get to the "bottom" of Mr. Layton's question. I hope the Leader of the Government can help this chamber get to the bottom of the government's policy towards China.

As a result of Prime Minister Harper's comments on his way to Hanoi, I previously asked the Leader of the Government to give us examples of where the Canadian business community had put their business interests before Canadian values. Of course, I got no answer because there are no such examples. That was a straw argument by Prime Minister Harper. However, I am optimistic that there is an answer to the following question.

First, let me say that China is a new and major force on the world stage. As a result, the United States is aggressively pursuing a deeper level of engagement with Beijing. Almost immediately after being appointed, the U.S. Secretary of the Treasury, Hank Paulson, visited China, not Canada. He stayed several days and told the U.S. press that the United States was taking a "generational view" of relations with China, meaning a long-term view.

Does the Leader of the Government assert that the United States is putting its commercial interests ahead of human values?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Austin for that question. Of course, I will not comment on the policies of a government other than our own.

Some Hon. Senators: Oh, oh.

Senator LeBreton: There have been good articles in the financial pages about our trade relationships with China. In fact, businesses have been supportive of the Prime Minister's position.

To give a little history here, honourable senators, the Conservative government of the Right Honourable John George Diefenbaker began the whole process of opening up our trading relationships with China, under Alvin Hamilton. The fact of Diefenbaker's government selling wheat to what was then called "Communist China" was one of the reasons President Kennedy's government had such difficulty with the Diefenbaker government. Selling our wheat to China opened the door to trade in China and, subsequently, under the Honourable Mitchell Sharp we established diplomatic relations.

The fact is that we take seriously our trading relations with China. We have had many ministers visit China before and following the APEC summit, namely, Ministers Emerson, Lunn and Strahl, the Minister of Agriculture. We will work hard to establish good trading relations with China while at the same time raising human rights issues.

• (1430)

Policies of the previous government with respect to China have left us with a massive bilateral trade deficit of about \$25 billion, a reduced export market share and no preferred designation status for our country.

The government is serious about all its trading relationships around the world, and China is an important player. I think most Canadians expect the Government of Canada to raise human rights issues with countries when we have an opportunity to do so. That view is supported by several articles in the financial pages, and by Canadian business people.

Senator Austin: Honourable senators, I listened carefully to the leader's so-called answer, which was a Disneyland of various images. The reality is somewhat different.

First, to make a correction, Minister Emerson has not gone to China. Only Minister Strahl and Minister Lunn have gone, and only after this government had been in office for ten months.

Second, I welcome any ministers going to China, because they would go, hopefully, to advance Canadian interests. I would be fascinated to know what representations they are asked to make to their Chinese counterparts on the subject of the deficiencies of China on human rights. It would be interesting to know exactly what representations are made on what human values. Of course, I do not expect to hear that answer.

I have been involved in China relations a long time. I recall when the Honourable Alvin Hamilton went to China as a result of the efforts of Mr. William McNamara, the then President of the Canadian Wheat Board. I bring that to the attention of colleagues because it was the Canadian Wheat Board that was the instrument of the Government of Canada and of Canadian farmers in selling wheat in 1960, something that has not been noted in government policy with respect to the Canadian Wheat Board.

Coming back to my point, there is no evidence that Mr. Hamilton asked for a discussion on human values before that sale was made to China in 1960. Indeed, it was a compassionate and generous action on the part of Canada to make that sale. The policy of the Government of Canada today should follow Minister Alvin Hamilton's lead and that of the Right Honourable John George Diefenbaker, who were wise, unlike, in my view, the approach of the present government in its relationship with China.

Would the Leader of the Government please table in this chamber the human rights issues raised by Prime Minister Harper, Minister Strahl and Minister Lunn, the points they made and the responses given by the Chinese?

Senator LeBreton: I thank Senator Austin for that question. He spoke about Alvin Hamilton. In 1960, Mr. Hamilton showed great political courage at a time when there was great resistance throughout the world to dealing with any communist country, let alone Communist China.

The world has changed significantly since 1960 in terms of awareness of human rights issues, the response to Tiananmen Square being one example of that.

• (1435)

I do not believe that it would be proper for me, or anyone else, to ask any minister of the Crown to divulge private meetings they have had with any official. What I will do is ascertain whether ministers feel there are some general comments that they wish to make. I would not hold out any hope that they would want to reveal the contents of private meetings they have had with officials behind closed doors.

Senator Austin: Honourable senators, I wish the Minister of International Trade, the Honourable David Emerson, every good fortune if he goes to China in January representing Canadian commercial interests. Those are interests that I have worked to see succeed in the market. I have worked on that file for many years. However, I am interested to know what he will be asked by this government to say to the Chinese on the human rights file. Prime Minister Harper has made it clear there is no trade-off. He is not willing to conduct relations with China on the basis of mutual respect and engagement. Indeed, he wants to teach China a lesson about human rights and human values.

I would be very interested to know how Minister Emerson, and any other minister who might go to China, would be received. If there is one in this chamber, perhaps that minister might be conscious of this line of questioning being taken up when they return.

Senator LeBreton: Honourable senators, the Prime Minister raised human rights issues. He never indicated that he would in any way interfere with what we hope will be increased trade with China.

The Chinese obviously want to do business with us; we want to do business with them. The Prime Minister feels, and I believe many Canadians agree, that when we have an opportunity to meet with Chinese officials, it is only prudent that a government representing a free nation, such as Canada, raise issues of human rights.

With regard to Minister Emerson's trip to China, I apologize in that I had thought he was already there. When Minister Emerson represents our government on international trade matters in China, I am quite sure that he will work diligently to improve our trade relations. I again point out that every single Team Canada trip to China by the former Prime Minister was followed by reduced trading numbers.

I will not presuppose what Mr. Emerson may or may not say when he has his meetings. I will simply commit to Senator Austin that I will point out the honourable senator's comments today to Minister Emerson before he travels to China.

Senator Austin: Would the Leader of the Government in the Senate also mind pointing out to him that we would welcome understanding how he would explain the comments by the Minister of Finance that Chinese investment is not particularly welcome in Canada?

Senator LeBreton: The honourable senator knows that he actually did not say that. However, I will let the Minister of Finance know that that was the honourable senator's interpretation of what he said.

INTERNATIONAL COOPERATION

AFRICA—CUTS TO RED CROSS PROGRAM TO DISTRIBUTE BED NETS

Hon. Jane Cordy: Honourable senators, my question is for the Leader of the Government in the Senate. More than 1 million people die from malaria each year. About 90 per cent of these deaths are in sub-Saharan Africa. In Africa, malaria is the number one killer of children under the age of five. In 2000, the Abuja Declaration agreed to work toward cutting in half the incidence of malaria in Africa by 2010.

To help achieve this goal, the previous Liberal government committed more than \$26 million to the Canadian Red Cross and \$9 million to UNICEF to distribute long-lasting insecticide-treated mosquito nets, also referred to as "bed nets" in Africa.

Can the Leader of the Government in the Senate tell this chamber why the \$26 million bed-net program led by the Canadian Red Cross is being abandoned? Why has there been such a huge budget cut in such an important issue?

• (1440)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. I will take that question as notice. I received one of those bed nets, as we all did, and promptly turned it over to the Canadian Red Cross, as we were asked to do. I am not aware that any program has been cut, but in any event I will take the question and reply to the honourable senator as quickly as possible.

Senator Cordy: Honourable senators, I have a supplementary question. UNICEF performs great work and for many years I was involved in the Trick-or-Treat Program. I also believe that the appointment of Ben Mulroney as national ambassador for UNICEF Canada was a positive thing because of his youth, high profile and energy. Having said that, in February of this year, Minister Verner said she would give UNICEF \$9 million to buy bed nets in Ethiopia. However, she failed to say that CIDA seems to be abandoning the Canadian Red Cross bed-net program of \$26 million. This \$9 million is really a budget cut.

UNICEF plans to sell bed nets to families who have little or no money, while the Canadian Red Cross gives the bed nets away. The Canadian Red Cross has had exceptionally good results with its bed-net program in Africa.

Can the Leader of the Government commit to supporting the Canadian Red Cross successful bed-net program?

Senator LeBreton: I thank the honourable senator for her question. I share her joy in having a wonderful Canadian citizen like Ben Mulroney involved with UNICEF. I will take the question as notice and ascertain as quickly as possible the facts in this matter and report them to her here in the Senate.

STATUS OF WOMEN

CLOSURE OF REGIONAL OFFICES

Hon. Joan Fraser (Deputy Leader of the Opposition): Last week we learned that the Status of Women Canada is closing 12 regional offices. Outside Ottawa there will be only three regional offices left. The one in Edmonton will serve Manitoba, Saskatchewan, British Columbia, the Northwest Territories and the Yukon Territory. The one in Montreal will serve Quebec and Nunavut. The one in Moncton will serve Newfoundland and Labrador, Nova Scotia, Prince Edward Island and New Brunswick. The one at headquarters, in addition to everything else it must do, will serve Ontario and national organizations.

A great deal of distress was expressed about closing these offices. They have been in existence for something like 20 years. Women's groups have called them the eyes and ears of the community. They have been called a lifeline, providing critical support to francophones outside Quebec, and Aboriginal, rural, and other women's groups addressing poverty, violence, access to justice and economic development.

By definition, groups that address those topics are not rich. It is hard for them to travel from Eastern Manitoba to Edmonton or from Northern Quebec to Montreal or from Labrador to Moncton.

It has been suggested by the minister that the offices are being closed because they are too supportive of groups that advocate or lobby on behalf of women. I wonder whether the minister can tell us whether the policy of the government is to cut off that kind of institutional support for groups that advocate on behalf of women? If so, why not close all the offices? Why even keep the facade of having a few left?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. The government believes in the full participation of women in Canadian society and we will continue to support women through programs that are managed effectively.

• (1445)

We have been through this before when these savings were found; the \$5 million in savings found at Status of Women Canada were identified by streamlining the agency's administrative operations to achieve greater efficiency and effectiveness. Status of Women Canada will continue to deliver results directly to Canadian women with a budget of \$23.4 million, \$10.8 million of which is dedicated to women's programs.

Canadian women, like every other Canadian, expect their government to manage the country's finances properly. These administrative changes will allow monies to be spent where they are more properly needed, in direct services to women. However, honourable senators, Status of Women Canada is like any program of government that was brought in during a particular era for a specific issue of the day.

I commend the honourable senator the editorial in *The Globe and Mail* last Friday. I read it when I was at the Liberal convention in Montreal. It states that,

... 35 years after the creation of a status-of-women cabinet post and 22 years after the recognition of women's equality rights in the Constitution, Ottawa has decided to close 12 of the agency's 16 regional offices across the country. The closings come as Ottawa pares \$5-million from the agency's \$23-million annual budget over two years. It's about time.

Really, it was saying that Status of Women Canada was set up at a time when it was needed. I happen to know a lot about Status of Women Canada. My sister was the coordinator of Status of Women Canada. Her job was to coordinate women's programs to ensure that these issues were dealt with across government.

The program now needs a new, fresh look. Our government, just as in the case of literacy, is finding savings in administrative areas so we can provide programs directly to women where they are needed in the communities.

Senator Fraser: We are all in favour of the effectiveness and continuing fresh looks at things, but I am at a loss to see how what we have been told is the new shape of things will provide either of those benefits.

Status of Women Canada is cutting its staff by almost half — 61 positions out of 131. It is discontinuing its policy research fund and says that "necessary research" — whatever that is — "will be tied to specific projects," which sounds to me as if it will no longer

look into broader policy areas. It will not even have a library any more. The library holdings are going to Canadian Heritage.

What will the women of this country do, those who, 35 years later, still need it? This move is perhaps not totally surprising; women have been in a situation of comparative disadvantage for way longer than 35 years. What are the women of this country, who need that kind of institutional help and that kind of policy help — such as Aboriginal women — to expect now from what should be a strong, vibrant agency advocating for them?

Senator LeBreton: First, women can access libraries at Heritage Canada, just as they can access a library run by Status of Women Canada.

As I pointed out, the coordinator's position for Status of Women Canada was set up to coordinate, throughout government and with provincial and territorial governments, the programs to benefit women. The honourable senator talked about cuts to staff. This is the issue. When Status of Women Canada was set up, for very good and valid reasons, the agency consisted of 30 to 40 employees; that number increased to more than 140 employees. Now, 61 employees have been cut. When my sister was the coordinator of Status of Women, the agency was very effective. The Minister for the Status of Women at that time was Barbara McDougall and the agency conducted its programs with 30 employees.

• (1450)

There are many women's programs in other departments of government, in particular for Aboriginal women. Minister Prentice has been particularly active on Aboriginal women's rights. The Status of Women program faced administrative cuts so that monies can be put directly into women's programs at the community level, where they are needed.

ORDERS OF THE DAY

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. John G. Bryden: Honourable senators, November 23 past was the twelfth anniversary of my appointment to the Senate of Canada. One of the proudest moments of my life occurred when the then Prime Minister of Canada selected me to be one of the 104 Canadians to sit in the upper house of the Parliament of Canada — a house without which there would have been no Confederation and, certainly, my region and province would not have been a part of it.

[Senator Fraser]

Throughout those 12 years, the Senate has continued to be criticized and attacked, ranging from Reform Party members from the other place parading around the Hill under sombreros and shaking maracas to protest the actions of a truant Liberal senator who was living in Mexico on sick leave, to the press heyday over the criminal charge against a sitting Conservative senator that had nothing to do with the Senate.

The biggest threat to this house as an autonomous, independent partner in our Confederation has always come from the executive branch — the government of the day. A case in point is the former Liberal government's attempt to impose the same ethics regime and commissioner on the Senate as on the House of Commons. This imposition is again being attempted by the Harper government.

Now, we also have Bill S-4, which will weaken the independence of senators and the Senate by changing the tenure of senators from to-age-75 to a term appointment of eight years.

When he appeared before the Special Senate Committee on Senate Reform, Prime Minister Harper quoted the following passage:

Probably on no other public question in Canada has there been such unanimity of opinion as on that of the necessity for Senate reform.

The quote is from the book, *The Unreformed Senate of Canada*, by Robert MacKay. As the Prime Minister pointed out, it was written in 1926. The Prime Minister proudly cited that passage as support for his proposition that "this institution, the Senate of Canada, must change for real." He urged passage of Bill S-4 as a modest move forward to effect this reform.

Perhaps I can do Prime Minister Harper one better. Even before its creation, Christopher Dunkin, a Conservative, argued in 1867 from the legislature of the United Canadas that the Senate was "just the worst body that could be contrived." There has been much controversy as well as strongly opposing views on the appropriate structure and makeup of this house from the beginning. For example, in the book *The Unreformed Senate of Canada*, which was quoted by Prime Minister Harper, Robert MacKay also included the following interesting quote — from page 37 — taken from Sir John A. Macdonald's notes:

Now as to the Constitution of the Legislature we should have two Chambers, an Upper and a Lower House. In the upper house equality in numbers should be the basis, in the lower house population should be the basis....The mode of appointment to the Upper House — Many are in favour of election and many are in favour of appointment by the crown...I am, after experience in both systems, in favour of returning to the old system of nomination by the crown.

Again, according to MacKay, at page 42:

The chief objections to it [election of Senators] were that it tended to create two houses of exactly the same character which were both likely to consider themselves the interpreters of the popular will, and that such a condition would inevitably lead to conflicts between the houses. In addition, it was un-British. Nor was appointment by

provincial governments or election by provincial legislatures seriously entertained or urged except by Prince Edward Island. While there was considerable difficulty about the first selection of members to the upper chamber there was little opposition to the system of appointment by the federal government.

The design of the Senate from the beginning was, like pretty much every political institution, a compromise. While imperfect, somehow it works. The government of the day, of whatever political stripe, does not always appreciate the Senate, which often, in exercising its duty of sober second thought, slows down or questions the government's legislative agenda — for example, the GST and free trade debates.

The proposal before us in Bill S-4 has been represented by the Prime Minister as a modest one, and there has been much discussion of whether Parliament can make this change unilaterally, under section 44 of the Constitution Act, 1982, without involving the provinces under section 38(1). As a reminder to honourable senators, section 38 of the Constitution Act, 1982, lists the general procedure for amending the Constitution. It states:

An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by

(a) resolutions of the Senate and House of Commons; and

(b) resolutions of the legislative assemblies of at least two-thirds of the provinces that have, in the aggregate, according to the then latest general consensus, at least 50 per cent of the population of all the provinces.

According to section 42(1)(b), "the powers of the Senate and the method of selecting Senators" may only be amended in accordance with subsection 38(1).

Bill S-4 purports to amend the term of office of senators from the date of appointment to age 75 to the date of appointment for an eight-year term without following the amending formula in section 38(1) of the Constitution Act, 1982. Instead, the government relies on section 44 of the Constitution Act, 1982, which provides:

Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

Commenting on section 44, Professor Peter Hogg, in his book *Constitutional Law of Canada*, states:

Section 44 replaced s.91(1) of the Constitution Act, 1867. Section 91(1) was repealed by the Constitution Act, 1982. Section 91(1) conferred on the federal Parliament the power to amend the "Constitution of Canada." That phrase was then undefined; it was however given a very narrow meaning by the Supreme Court of Canada (in *Re Upper House*), and it was subject to important exceptions which were expressed in s. 91(1) itself, the result is that the scope of s. 44 is similar to the scope of the old s. 91(1).

In *Reference re Authority of Parliament in relation to the Upper House*, [1980] 1 S.C.R. 54, the Supreme Court stated:

...While s. 91(1) would permit some changes to be made by Parliament in respect of the Senate as now constituted, it is not open to Parliament to make alterations which would affect the fundamental features, or essential characteristics, given to the Senate as a means of ensuring regional representation and provincial representation in the federal legislative process. The character of the Senate was determined by the British Parliament in response to the proposals submitted by the three provinces in order to meet the requirement of the proposed federal system. It was that Senate created by the Act, to which a legislative role was given by s. 91. In our opinion, its fundamental character cannot be altered by unilateral action by the Parliament of Canada and s. 91(1) does not give that power.

• (1500)

At page 238 of *Protecting Canadian Democracy*, Professor David Smith, in discussing principles that must apply to any reform proposals for the Senate says:

All reform proposals must respect the fundamental features and essential characteristics of the Senate: independence, continuity, long-term perspective, professional life experiences and sectional/minority representation.

He continues:

Lengthy tenure, free from the pressures of frequent electoral cycles, gives the Senate experienced members with diverse professional backgrounds who can bring some continuity and long-term perspective to the institution.

Bill S-4, by reducing the tenure of senators from up to 75 years to eight-year terms, affects the independence, continuity and long-term perspective of senators and the Senate. Bill S-4 also would make alterations that would affect the fundamental features and essential characteristics given to the Senate as a means of ensuring regional representation and provincial representation in the federal legislative process. As the Supreme Court stated above, this is not open to Parliament alone to do.

Such a fundamental change in the Constitution of Canada is not within the purview of section 44 and can only be made under the general procedure for amending the Constitution in section 38(1) — resolutions of the Senate and the House of Commons, and resolutions of two-thirds of the provinces representing at least 50 per cent of the populations of all the provinces.

According to the report of the Senate committee that studied Bill S-4, and correspondence from provinces recently tabled in the house, some provincial governments are concerned to be involved. For example:

Newfoundland and Labrador Premier the Hon. Danny Williams did not comment specifically on Bill S-4, but raised general concerns about an incremental approach to reform and asserted the need for provincial and territorial

involvement in discussions of change to important features of the Senate.

The original life appointment provided for senators was designed to ensure independence of the chamber. To quote again from Mr. MacKay's book:

"The desire," said George Brown, while justifying the rigidity of the upper chamber and life appointments, "was to render the Upper house a thoroughly independent body — one that would be in the best position to canvass dispassionately the measures of this House."

Honourable senators, to be clear, the change from a life appointment to appointment to the age of 75 was not a significant change. Certainly at the time of Confederation, 75 year would have been a good, full lifetime of work. The two are really indistinguishable. This was confirmed by the Supreme Court of Canada, which observed that the change to compulsory retirement at age 75 "did not change the essential character of the Senate."

However, I believe that the change to term appointment of eight years would have a significant impact on the independence of this house and its capacity to be the chamber of sober second thought envisaged and designed by the Fathers of Confederation.

According to statistics from the Library of Parliament, the average age when members are appointed to this chamber is between 45 and 60. Those years are one's prime earning years. The perspective of a 45-year-old taking an appointment to this chamber until the age of 75 would necessarily be different from one who takes on an eight-year term. He or she would need to consider the options available at the end of the term. My concern is that this person may have such concerns in mind throughout his or her term, and this could well affect the independence and impartiality of decisions.

The strength of this chamber, as we all know, is reflected best in our in-depth studies, whether of policy matters or proposed legislation. It will not always be to the pleasure and delight of the government of the day, but that is the whole point. We are able to do that quality of work because of many factors, not the least of which is our long-term perspective and the depth of knowledge of issues. These factors are not acquired overnight. There is a value in institutional memory and experience for which there is no good substitute.

Let me give you one final quote from Robert MacKay's book that relates to term appointments:

But one important result should be noted: given the invariable system of party appointments and the normal longevity of Canadian governments, Opposition parties in the Senate would be more quickly wiped out than under the present system, and the Senate more likely to become from time to time the preserve of a single party, unless safeguards were applied in appointments to assure representation of Opposition parties. Further, tenure for a limited term, would not be conducive to independence of the Senate. Senators would be only human if they canvassed the possibilities of re-appointment.

That is from page 177 and 178 of his book.

Viewed on its own, Bill S-4 vests an extraordinary power in the hands of the Prime Minister of the day. As Senator Dawson noted in questioning Prime Minister Harper in the Special Senate Committee on Senate Reform studying the substance of Bill S-4 —

The Hon. the Speaker: Order. I wonder whether Senator Bryden would ask the house for an extension of his time?

Senator Bryden: May I?

Hon. Senators: Agreed.

Senator Bryden: Thank you.

As Senator Dawson noted when questioning Prime Minister Harper in the Special Senate Committee on Senate Reform studying the substance of Bill S-4, Prime Minister Trudeau would have been able to appoint 200 senators, as he was in office for 16 years. Prime Minister Mulroney could have appointed a fully Conservative Senate without the least opposition. Prime Minister Chrétien could have appointed about 100 senators, thus completely controlling the upper chamber.

Prime Minister Harper's response was to tell Senator Dawson that, "the government intends to table legislation to create an elected Senate."

Honourable senators, that cannot be good enough. We do not have that legislation before us now. As far as I am aware, no such bill has even been drafted. That proposal would clearly require the consent of the provinces — something that is far from a certainty. We are faced with a proposal that would entrench unprecedented power in the hands of the Prime Minister — the power to control this chamber, the chamber which was specially established and designed to be a check on the executive power.

When the Leader of the Government in the Senate, Senator LeBreton, in her speech on Bill S-4, stated that it represented an important first step towards larger reform of the Senate, I was reminded of a quote from another senator that is found at page 306 of *Protecting Canadian Democracy*. Senator Michael Pitfield, for six years Clerk of the Privy Council and over 20 years a member of the Senate, is quoted therein. He states:

In constitution-making it is important to bear in mind that the first step in reform is almost never the final step. To the contrary, the first step sets off a process of evolution usually quite rapid at first and gradually petering out. Focusing merely on the change and not on its consequences as far as the eye can see is to invite mistakes and chaos.

• (1510)

Finally, honourable senators, I do not think this bill should be read a second time now. Rather, it should be referred to the Standing Senate Committee on Legal and Constitutional Affairs for a thorough and complete constitutional investigation to determine whether this is a proper case to request the government to refer Bill S-4 to the Supreme Court of Canada for a determination of whether its enactment by Parliament alone is constitutional.

On motion of Senator Grafstein, debate adjourned.

JUDGES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Comeau, for the second reading of Bill C-17, to amend the Judges Act and certain other Acts in relation to courts.

Hon. David P. Smith: Honourable senators, I am rising to make an oral declaration of a private interest, as it falls under section 14 of the Conflict of Interest Code for Senators.

I would note for the record that I believe my wife, Heather Smith, Chief Justice of the Superior Court of Justice in Ontario, may have a private interest that might be affected by the matter currently before the Senate, which is Bill C-17, relating to judicial remuneration. I would also point out that I have filed the necessary documentation with the table.

As this is the first time this matter has arisen, I should point out that I had a couple of discussions with the Senate Ethics Officer, and he was of the view that she really does not have an interest as the bill is of general application. There are 300 judges that comprise the court she heads, and I think there are probably 1,000 judges in Canada as a whole affected by this bill. However, if I am to err, I will err on the side of caution.

Therefore, I will not participate in this debate. I might listen to some of it, but I will not speak to the bill or vote. This has now been duly noted in the procedure set out by our recent changes regarding conflict of interest.

The Hon. the Speaker: Honourable senators, Senator Smith has made a declaration of private interest regarding Bill C-17. In accordance with rule 32.1, the declaration shall be recorded in the *Journals of the Senate*.

Hon. Jeremiah S. Grafstein: Honourable senators, I rise on the second reading debate of Bill C-17.

I would like to start my comments with a quote from an excellent report, entitled *Place Apart: Judicial Independence and Accountability in Canada*, prepared for the Canadian Judicial Council back in 1995 by my close friend, Professor Martin L. Friedland, a classmate of mine at the University of Toronto Law School. Professor Friedland went on to become the dean and is still the dean at the University of Toronto Law School, as well as a professor at the university. He has written a number of books and has made brilliant contributions over his long career to matters affecting the law, especially with respect to the judiciary.

I offer this brief quote from the preface of the report:

Senator Arthur Meighen stated in the Senate in 1932 —

I wish to pay credit. I am not quoting our Senator Meighen but rather his grandfather, who stood in this place in 1932 and stated:

"A judge is in no sense under the direction of the government. The judge is in a place apart."

Hence arose the title of this very cogent and interesting study about the judiciary.

I commend this text to all senators studying the bill before us because it is an interesting analysis of the world of the judiciary in our country. It refers to the Act of Settlement 1701 that established the independence of the judiciary. After the "Glorious Revolution," judges were set up as an independent body separate and distinct from the legislature and the Crown. This idea was based on the great philosophers of the time, a learned judge himself, William Blackstone, and two philosophers, John Locke and Montesquieu, all who advocated the same point: In order to have a proper democratic structure in the judiciary, there must be checks and balances and a separation between the executive, the lower and the upper houses — which we have — as well as an independent separate judiciary.

This analysis raised a particular conflict because when it came to the question of establishing the security of judges and "that place apart," we went to the Constitution of Canada. The Constitution declared that judicial compensation was to be established by Parliament.

Allow me to quote from section 99 of the Constitution Act:

...the Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.

Section 100 states:

The Salaries, Allowances, and Pensions of the Judges of the Superior, District, and County Courts...shall be fixed and provided by the Parliament of Canada.

Allow me to run forward from that statute, the Constitution, that gives the absolute power of Parliament to establish the salaries, to the whole growth of argumentation respecting the credibility and independence of the judiciary. Does it conflict if in fact Parliament exercises constitutional responsibility to set compensation. That exercise morphed into a tremendous amount of change by setting up independent commissions to bridge the constitutional mandate while giving independent views of compensation.

As honourable senators will recall, in 1997 Mr. Justice Antonio Lamer of the Supreme Court of Canada established a principle that the government not only allow the commission to set the measures independent of the government or Parliament, but in addition, to ensure that once they are recommended, they are adopted.

That position has been watered down somewhat. I will provide honourable senators with the more recent case. I am referring to the *Provincial Judges Reference*. The Supreme Court held not only that commissions must be established for all judges, federal and provincial, but that the government is required to accept a commission's recommendation unless it convinces a court that there is a rational reason for rejecting that.

To my mind, *prima facie*, that case sets out a conflict of interest and contrary to the Constitution itself. My honourable friends will recall when that we went through previous reiterations of this independent commission in this chamber, a number of us raised

this question of conflict because we said the judges were embarked directly on setting their own compensation, and that was, *prima facie*, a conflict.

There was a subsequent case in 2005, *Provincial Court Judges' Assn. n of New Brunswick v. New Brunswick*. A unanimous decision of the court rejected challenges to a number of provincial government decisions not to follow the commission's recommendations. The Supreme Court of Canada stated that a court's review should be "a deferential review which acknowledges both the government's unique position and accumulated expertise in its constitutional responsibility for the management of the province's financial affairs." Effectively, that decision took a step back and I think in a more appropriate direction to demonstrate that judges should not be involved in their own compensation.

There are four members of the new triennial commission, and one is a nominee of the judges themselves. That begs the question as to whether or not the commission is flawed.

I raise these issues because I hope that when the bill is referred to committee, the committee will have a fresh look at the commission structure and makeup and perhaps look at the practices in other countries. Australia has established a practice, an independent commission, which I think commends itself, but they do not establish salaries for judges alone. They do it right across the board for generals and deputy ministers.

• (1520)

When the committee looks at this bill, it should examine that particular practice, because I still have serious doubts about the constitutionality of the present framework. The United States has an independent commission, as do the United Kingdom and Australia, but they do it across the board and then it is up to Parliament to opine, to either accept or reject.

What happened in this particular instance is quite interesting. When Bill C-17 was tabled by the Minister of Justice, Mr. Toews, it provided for a 7.25 per cent salary increase instead of the 10.8 per cent as recommended by the commission back in 2004. We are a little out of sync in terms of time; it is not fair to the judiciary that this matter should be held up. Once it is established by a commission that this is a benchmark number, it is important for governments and Parliament to opine as quickly as possible. Those recommendations were accepted by the Liberal government in November 2004. A bill was introduced in May 2005, but it died on the Order Paper when a federal election was called last year.

Under this new bill, Bill C-17, a judge's salary at the trial or appellate level would rise to \$232,000 retroactive to April 1, 2005, instead of \$240,000 — the salary recommended by the commission. In other words, the commission recommended 10.8 and the government is now proposing 7.25. That also begs the question: Why did the government come to that number; what was the rationale for the change in the recommendation of the commission?

I will start off with the problem — and it is rather complex — which is that the commission, in my view, has a problem in its current structure. Having said that, the commission opined and came to the conclusion of a 10.8 per cent salary increase for judges. By the way, there are 1,043 superior court judges who are

in this particular class, according to the information I have. The government then said that it would not accept the 10.8 per cent increase, that instead it would recommend an increase of 7.25 per cent. When you crunch the numbers — and I will rush ahead for this — according to the Department of Justice numbers, the four-year package would total \$58.9 million, including \$13.4 million for a 7.5 per cent increase retroactive to April 1.

When I study numbers — the 10.8 and the 7.25 — the difference between the government's position and that of the commission as it affects the revenues of Canada is \$33.7 million. That is the difference we are talking about. In other words, that is the reduction from the amount recommended by the commission.

Let us now turn to what Minister Toews told the other place. I hope I am not quoting him out of context. If I am, I stand to be corrected. I understand that he said the following — and I am paraphrasing him here: The commission failed to pay sufficient heed to the economic pressures, fiscal priorities and competing demands on the public purse. In essence, the government ascribed a different weight than that of the commission to the importance of the criteria.

Hence, the government came up with a number — the 7.25 per cent — and justified it on the basis that the commission did not understand the fiscal priorities and the fiscal nature of the government, notwithstanding the fact that the government is sitting there with a huge surplus. To the committee that will study Bill C-17, I say the following: The government must explain this not in macroeconomic terms but in microeconomic terms. The committee must be satisfied that the judgment taken by the government, different from the commission, and flawed as it might be, but obviously based on some more appropriate criteria, is justified.

Honourable senators, I will conclude with this statement, which my friend Martin Friedland gave me and is allowing me to enter into the record of the *Debates of the Senate*. What I shall be reading, honourable senators, is an excerpt from a chapter on the judiciary in his forthcoming memoir, to be published by the University of Toronto Press. This is quite interesting in order to give the flavour of what has been going on. Martin Friedland says:

Financial security was also a subject of considerable interest at the time that I did my study.

Honourable senators will recall that Mr. Friedland was commissioned by the Canadian Judicial Council to do a report back in 1995.

One wants salaries to be high enough, when combined with good pensions, to attract a pool of excellent candidates. But even if a very large portion of the bar were willing to accept an appointment at a much lower salary, we would still want to pay judges well to ensure their financial independence — for our sake, not for theirs. As I stated in the report, subsequently quoted with approval by the Supreme Court: "We do not want judges put in a position of temptation, hoping to get some possible financial advantage if they favour one side or the other. Nor do we want the public to contemplate this as a possibility."

He goes on to state:

The question of how judicial salaries should be determined was a hot topic when I did my report.

Back in 1995.

Many judges wanted binding arbitration. The present masochistic method of establishing judicial remuneration for federally appointed judges by a commission every three years was questioned in the report. Would it not be better to deal with judicial remuneration as part of a review of other senior salaries paid from government funds, such as those of deputy ministers and army generals, as is now done in England, the United States, and Australia?

I thought that it was desirable to have some form of commission to offer advice to the government, although I thought it unlikely that the courts would say that such a commission was constitutionally required. As it turned out, the Supreme Court of Canada in the *Provincial Judges Compensation Case* in 1997 not only held that commissions must be established for all judges, federal and provincial, but that the government is required to accept a commission's recommendation unless it can convince a court that there is a "rational" reason for rejecting them. I certainly had not anticipated that they would go that far, and in a 2001 talk in Vancouver on the occasion of the three hundred year anniversary of the Act of Settlement, which established judicial independence in England, I criticized the case, stating:

He then quotes from a speech he gave in 2001 to judges:

Thus the judiciary has created a clear potential conflict of interest by judicializing the process. If the government "chooses not to accept one or more of the recommendations," Chief Justice Lamer stated, "it must be prepared to justify this decision, if necessary in a court of law." The judges are therefore in a real sense determining their own compensation...In other situations, permitting a person to be a judge in his or her own cause would be a ground for reversing a judgment...Would it not have been wiser to have simply required the establishment of a compensation tribunal and also required the government to respond within a set period of time and then leave it to public opinion to judge that response?

He then goes on to say:

Three members of the Supreme Court were in the audience that day and my words may have hit a sensitive nerve. In any event, in subsequent cases the Supreme Court has been narrowed the role of the court in these situations, such that it is now relatively easy for a government to reject a recommendation from a commission. In a 2005 decision (*Provincial Court Judges' Assn. of New Brunswick v. New Brunswick*) a unanimous Court rejected challenges to a number of provincial governments' decisions not to follow commission recommendations. The Supreme Court stated that a court's view should be "a deferential review which acknowledges both the government's unique position and accumulated expertise and its constitutional responsibility for the management of the province's financial affairs."

I conclude by saying that I would hope that when this matter goes to the committee it will look at three things: First, the framework of the commission itself that made these recommendations and whether or not it is constitutionally appropriate in these circumstances, having in mind the good practices of the U.K., Australia and the United States, which is different from ours.

Second, I would hope that the committee would challenge the government to determine whether or not their decision to go from 10.8 to 7.25 was appropriate. What was the justification for that? What are the facts? How does it affect the public purse? How does it impede or affect impartiality, fairness and equity?

Finally, I would hope that the committee might do the following as well: It struck me when I read the bill that there is an inherent unfairness in establishing a fixed salary across Canada because the cost of living across Canada is unequal. Maybe the appropriate measure would be to fix a basic salary — and I have no problem with a basic salary — with a cost-of-living index that moves with time, on a yearly basis, in order to make sure that judges are not unfairly treated in each region of the country.

• (1530)

Since we are accorded regions, we should respect the regional differences as well as the national standards.

On those measures, I pause and conclude my remarks.

Hon. Lowell Murray: Honourable senators, I presume that Senator Meighen, when he closes this debate, will deal with some of the points that Senator Grafstein has made, and that the committee will do likewise. I will not intervene in the debate. What I have to say I can say in the form of questions to the honourable senator who has just resumed his seat.

First, I wonder why he takes objection to the presence on the commission of one representative of the judges themselves. I, for one, do not find that excessive. If he does, I would like to hear him elaborate on the point.

Second, I wonder wherein lies the virtue or the validity of having a commission decide or recommend not only about judges but also about the compensation for generals of the Canadian Forces, deputy ministers and the like. Why do we need an independent commission to decide what their compensation ought to be? The government can take advice, and Parliament can take advice wherever it likes, but lumping government and Parliament in with judges does not make any sense. At one point, compensation for parliamentarians was linked to that of the judiciary. The reason for that was to have some body interposed between us and our salaries. It stayed that way for a little while until the Martin government got cold feet and severed the link.

Finally, I wonder whether the honourable senator finds the government's response deficient in its thoroughness. Whether he agrees with it or not, I thought that the response of the present government was thorough and detailed. They went so far, for example, as to suggest that the commission had erred in putting too much weight on the incomes of urban lawyers; nothing personal, but that was one of the points they made. It was extremely detailed. What gave me pause was that the previous

Martin government had indicated it would accept the commission's report. That was the response of the Martin government, and a new government decided otherwise. That gave me pause to wonder what was the motivation.

Finally, I do not see anything in the bill or in the work of the commission that offends either the declaration of the late Right Honourable Arthur Meighen, cited by my friend, or the citations by Professor Friedland.

Senator Grafstein: Let me start off by talking about my conflict of interest, because the appointee for the judges is also a close friend of mine who marched at my wedding, Mr. Cherniak, a distinguished counsel. He was the judges' nominee at the commission. I hope the honourable senator will not take offence because I respect him for his integrity and ability. He was a brilliant gold medalist and much smarter than me.

Having said that, I am in this position and he is in that position, so I am called upon to comment on his work.

Regarding conflict of interest with which we are all familiar, what should have happened is that the judges, if they wanted to make their case, could make their case without having a representative on the commission. That would be an easy thing to do. I have no problem with the judges talking about their financial circumstances, their ability to be truly independent and to have a place apart because they must have a different type of lifestyle than most. I understand and I respect that. I do not like saying this, but some of my best friends are judges.

Having said that, it is appropriate that when dealing with these constitutional matters we should be as pristine as possible, so there is absolutely no question that we mix apples and oranges. There is no question that the judicial council can retain counsel, or however they wish to do it, and make representations, but the commission should be independent in all respects. That one out of three or one out of four is a judicial nominee does not make it any better. I am following the rule of law, the rule of equity. In this case, purity is better.

The second question that the senator raises is more complex. I agree that there was a proper dialogue between the Minister of Justice and the commission's recommendations. My only concern was that the commission made a thorough and careful study of a number of criteria. Obviously, they were assisted by close information, probably received through Mr. Cherniak to the commission, so they received a lot of good information and made a considered recommendation.

The government then argues, in effect, that it disagrees with one criterion, and I have no problem with that whatsoever. The government then uses the old saw that the question is one of fiscal accountability. Let me use the exact phraseology because it is a little dicier than that. The minister said says that the commission failed to pay heed to the economic pressures, priorities and competing demands in the public purse.

However, with all due respect, can a commission pay sufficient heed to the economic pressures, fiscal priorities and competing demands of the public purse of which they have no knowledge?

Senator Murray: That is the government's job.

Senator Grafstein: I do not quarrel with that. To my mind, they could have been more precise in their analysis. The differential we are talking about here is \$33 million. To my mind, being satisfied beyond doubt that the judges are treated fairly and equitably so they can conduct their business without financial pressures is a desirable objective.

If the government can demonstrate that the \$33 million is a make-and-break case because we are in deficit, I can understand that, and Canadians would understand that, but these times are not those times.

People can argue with my idea of a duplex remuneration. The cost of living across the country varies tremendously. Houses and upkeep of houses in one part of the country are entirely different than in other parts of the country. I am also mindful of the ability to attract good judges because we want the best of the bar to put their names forward to become judges. I have no quarrel with that. When judges take the bench, a number of these outstanding counsel make a financial sacrifice. I know that for sure.

It is a question of balancing all these things. I hope when the committee looks at this issue it will review the committee's recommendations, ask the government to justify more precisely the rationale for their conclusion. However, I hope the committee looks at those three things: the framework and the structure of the commission itself; the rationale the government puts forward for differentiating from its recommendations; and, finally, the floating duplex arrangement. I say that because it is not fair that the judges have to wait. It is retroactive, but at the same time, it is not fair for a measure that should have been introduced and passed in 2004, and here we are in 2006, almost 2007. Yes, they will receive the compensation backwards, but that is not fair either.

Senator Murray: Surely, the honourable senator will agree that when discussing economic and fiscal pressures on the government, the question is not one, primarily, of the \$33 million involved but of the precedential nature of a settlement such as this one. The honourable senator is at least as old as I am, and his memory will go back to the famous 30-per-cent increase granted to the employees of the St. Lawrence Seaway, and then of Air Canada in the 1960s. The 33 per cent, as a matter of fact, was agreed to by the Pearson government on a recommendation of the late Honourable Senator Mackenzie who was appointed as mediator in those cases. It is a matter of public record that those settlements set off an inflationary spiral in the economy that took many years and several governments to arrest.

• (1540)

This 10.5 per cent, or whatever it is, for judges is not of the same order of magnitude or of the same significance in the economy, and I do not argue that it is. However, a 10.5-per-cent increase instead of a 7.5-per-cent increase is something that other alert people, perhaps even parliamentarians, might take up and demand. It is the precedence rather than the quantum that is involved here.

Senator Grafstein: I agree wholeheartedly with what the honourable senator says, but I think Supreme Court judges are a place apart. If I had a concern in this country, it would not be with judicial salaries going to 10 per cent or 10.8 per cent. I would be much more concerned with corporate

compensation. The Standing Senate Committee on Banking, Trade and Commerce will look at that question, hopefully. We think it is a disgraceful situation in Canada that corporate executives can be paid without justification based on a rate of return for their companies.

We are mindful of precedence. We think that precedent is horrible, and we will be looking at it. In this instance, I believe it is important for the judges to make their decisions free of financial restraints. I think this compensation is cutting the corners too tightly.

Hon. Anne C. Cools: I would like to thank the honourable senator for his intervention and for placing some of these concerns on the record. We served on the Senate Legal Committee together and raised many of these questions.

I also recall that when the salaries of the Prime Minister and members of Parliament were tied to the salaries of the Chief Justice and the judges we raised much objection. We have been tracking some of these issues for a little while.

The honourable senator's concerns are reasonable and just concerns, that we are now in a situation where the judges may have become judges in their own cause in making judgments on judicial salaries.

The honourable senator cited Supreme Court Chief Justice Lamer talking about Parliament or governments potentially appearing in a court to justify what they do in respect of compensation commissions. To balance the record, has the honourable senator a recollection of Mr. Justice La Forest's dissenting opinion in that case before the Supreme Court, and his strong objections to what was happening? I do not have his words before me, but he basically said that what the judges were doing was unconstitutional and akin to creating a new and separate arm of government.

Has the honourable senator any recollection of what Mr. Justice La Forest said? If he does, could he share that with us? Perhaps he has the judgment in front of him.

Senator Grafstein: I do not have it before me, but my recollection is the same as the honourable senator's, that there was strong dissent. We had a discussion about this matter not only in this chamber, but also outside this chamber. Many of us were upset with the Liberal government of the time playing cute with the Constitution by tying prime ministerial and ministerial salaries to judicial salaries.

I thought it was cute; it was unconstitutional. I said as much at the time. Mr. Justice La Forest was right on the mark then and he is right on the mark now.

Senator Cools: I have paid much attention to this subject. The committee should also look at the meaning of judicial independence. Judicial independence is much more than impartiality. Judicial impartiality in respect of adjudicating cases is different than judicial independence.

A cause of many ills in the 17th century was that the judges had drawn close to "the executive power" and at places were interchangeable with them. The most extreme case was a fellow like Judge Jeffreys.

The honourable senator cited section 99 and section 100 of the BNA Act. Those two sections were born out of the Act of Settlement of 1701. The intention of judicial independence was to move judges away from the superintendence of the executive and put them under the superintendence of the people, being Parliament.

I share the honourable senator's concerns. He quoted from Professor Friedland's book. If honourable senators go forward many pages from that quotation, they will see where Professor Friedland begins to discuss the recommendations of these commissions being binding, or nearly binding. Professor Friedland cites the opinion of Professor Hogg, in response to which he said that to concede to those kinds of actions, or to have such recommendations be binding, or any such related action, would be tantamount to the judges fixing their salaries and Parliament providing them, rather than Parliament fixing and providing the salaries.

I believe the honourable senator shares those concerns. Everyone wants judges to be well remunerated. I do not believe many of the arguments brought before us that these salaries are related to the difficulties in recruiting good judges. My data has shown that for every judicial vacancy, hundreds of lawyers seek the job. My research also shows that for many individuals who become judges, the salaries are a significant increase in remuneration. We should look to sounder reasons than the difficulty in the selection process or in attracting interest in the bench.

On one committee, a witness made a point about the difficulty of attracting good lawyers to become judges. Senator Bryden questioned that, saying he found it hard to believe.

Nothing is currently begging more attention from the Houses of Parliament than the proper constitutional relationship between judges, Parliament and the executive or the cabinet. A plethora of literature has been mushrooming across the country on these issues. Although we may not be able to do it under the rubric of this bill, at some time some of these important issues should be studied.

The sole reason the Judges Act was created was to fulfill the conditions of the BNA Act. The Judges Act, which was supposed to be a singular instrument to deliver the constitutional requirement that the Parliament of Canada fix and provide the salaries of judges, has been exaggerated to cover all manner of salaries and payments, which was never intended by the Constitution.

• (1550)

Honourable senators, the subject matter before us is important. If one were to look at the Judges Act to see how different sections have been manipulated and massaged over a 50-year period of time, to take the Judges Act in a different direction from where it was intended, we really must look at these questions. They are very important issues. I thank the honourable senator.

Senator Grafstein: There is one comment I disagree with, that is, the question of attracting judges. The salary for the puisine judges we are talking about would rise to \$232,000, as of April 1, 2004,

as opposed to \$240,000. I know the law firms, not in Regina or Saskatoon, but in Vancouver, Montreal and Toronto, and \$232,000 would be a junior partner's salary today.

It strikes me that, if we are so concerned about the quality of judges, especially since the Constitution has changed with respect to the Charter of Rights, we want to attract the finest and best minds before the bar. I do not think \$240,000 does it.

That is why I am saying I am somewhat concerned about these issues and suggested this floating change to be fair and appropriate.

Senator Cools: What I was saying to the honourable senator is that, the last time we served on committee and looked at this issue, we discovered that the highest salaries in the country belonged to the judges, whereas the average salaries of lawyers were \$80,000 to \$90,000 a year.

I do not begrudge anyone good salaries; I believe judges should be well remunerated. That is not an issue. I quarrel with the mantra of how difficult it is to find people. Any day of the week, honourable senators, I have no less than 10 individuals who want to talk to me and want to become judges. There is no shortage of individuals.

How does one get the cream to come to the top? That is a different question. As I said, any time I go anywhere, there is always someone who wants to talk about getting an appointment.

Let us keep the issues clear, honourable senators. I subscribe and agree with the honourable senator that there should be a commission that looks at the salaries of not only judges, but also ministers, prime ministers, ambassadors, and so on, so that a balance between the salaries can be maintained.

I do not quarrel with the honourable senator's concept. I am simply saying that I do not believe it is that difficult to find people to serve.

Mr. Justice Sopinka died very young. When he was appointed, I remember him saying that, at that stage in his career, money was not the issue. He said that the opportunity to serve at that level was such a rare and wonderful one that he felt duty-bound to accept.

It would be nice if some of these concerns could be articulated in respect of principles and in respect of a desire for public service, other than a need to satisfy a quantum of dollars that no one will define or tell us how they arrived at it.

I do not accept that that number is arrived at because some lawyer in Toronto is making a million dollars a year. We know that is not the case all across the country.

Let us remember, it is only quite recently in our history that judges are tied to what we now consider lawyers. It was not too long ago that the law school program was an apprenticeship program. The whole field has changed enormously in the last 50 years.

Hon. Tommy Banks: Honourable senators, I never disagree with Senator Grafstein; I do not think I do now. However, I believe it is dangerous to make equations between remuneration given to

people. If we were going to do that, we would have to start at the top and equate the Prime Minister's salary with that of the president of General Motors of Canada.

If we start making those comparisons, we are in some danger, or to use the old saw, hockey players with teachers. We must not do that. I am not disagreeing with the honourable senator that there is a competitive factor there. Some people go into the public service for reasons other than money.

Hon. John G. Bryden: The honourable senator's reference to hockey players in comparison to others reminded me of a cocktail party I attended where the conversation came around to the scandalous remuneration of the presidents of banks, and so on. The defence given was that bank presidents do not make any more than some hockey players, that hockey players make \$5 million, \$8 million and \$10 million. What is the difference, the defender said? Some wag said, "The difference is, if the hockey player leaves, he would be missed."

My comment in relation to this is that I do not think a scale of dollars can be used. In law school, the saying was, and I am sure it is still there, "A students make professors, B students make judges, and C students make money."

Do we want to populate our benches with only C students, the ones that make so much money? It is really quite accurate.

Hon. Francis William Mahovlich: When I was playing hockey, we were making what senators make. Now I am making what a senator makes. Ten years from now, maybe senators will be making what hockey players make.

Senator Banks: When we leave, no one will be missed.

On motion of Senator Jaffer, debate adjourned.

APPROPRIATION BILL NO. 2, 2006-07

SECOND READING

Hon. Nancy Ruth moved second reading of Bill C-38, for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007.

She said: Honourable senators, Bill C-38 provides for the release of the remainder of supply for the 2006 and 2007 Main Estimates. The Main Estimates were tabled in the Senate on April 25, 2006.

The government submits estimates to Parliament for authority to spend public funds. Main Estimates include information on budgetary and non-budgetary spending authorities. Parliament subsequently considers appropriation bills to authorize spending. The Main Estimates also provide information to Parliament about adjustments to projected statutory spending that has been previously authorized by Parliament.

• (1600)

The 2006-07 Main Estimates outlined a total of \$199.7 billion in government expenditures, including \$198.6 billion in budgetary spending and \$1.1 billion in non-budgetary expenditures for loans and investments. These estimates were discussed in some detail with the Treasury Board Secretariat officials in their appearance before the Standing Senate Committee on National Finance on May 2, 2006 and with the President of the Treasury Board on May 3, 2006.

As well, the Main Estimates remained before our committee for the duration of the fiscal year and through that reference the committee undertook a study into the matter and the process by which judicial compensation and benefits are determined.

This year's budgetary expenditures of \$198.6 billion include the costs of servicing the public debt, operating and capital expenditures, transfer payments to other levels of governments, organizations or individuals and payments to Crown corporations.

The budgetary Main Estimates support the government's request for Parliament's authority for \$72.2 billion in budgetary spending under program authorities that require Parliament's annual approval for spending limits. The remaining \$128.4 billion represents statutory spending, such as elderly benefits and employment insurance, and its detailed forecasts are provided through the Main Estimates for information purposes only.

Non-budgetary expenditures refer to those expenditures that have an impact on the composition of the government's financial assets such as loans, investments and advances. This year's non-budgetary expenditures of \$1.1 billion include both voted, non-budgetary spending authorities amounting to \$123.4 million, and \$999.5 million, representing statutory non-budgetary expenditures that are already approved by Parliament through separate legislation.

The 2006-07 Main Estimates non-budgetary spending represents a forecasted decrease of \$567.2 million over last year's 2005-06 Main Estimates. The total of voted or appropriated items in this year's Main Estimates is \$70.3 billion. Of this amount, \$11.5 billion had already been provided through Governor General's Special Warrants as a result of the January 2006 federal election and the dissolution of Parliament. Bill C-8, appropriation act No. 1, 2006-07, provided interim authority to spend \$43.5 billion, sufficient authority to last until December.

Honourable senators, the balance of the \$15.4 billion is now being sought through Bill C-38 Appropriation Bill No. 2, 2006-07.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

Hon. Anne C. Cools: Honourable senators, this is the main — I do not understand.

The Hon. the Speaker: This is the bill. The main will be covered subsequently.

Senator Cools: No, but this is the bill from the Main Estimates, the completion of supply, right? I do not quite understand. Have we received the report from the Standing Senate Committee on National Finance? Has the opposition spoken? This is all very odd.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, for purposes of clarification, this bill would not normally go to committee; it would be dealt with in the chamber. Our critic on the bill is Senator Day. He has told me, and I have conveyed to my opposite number on the government side, that he is familiar with the content of this bill and he is perfectly content for it to be given second reading today and will speak tomorrow in the third reading debate.

Senator Cools: But has the report been adopted yet that supports the bill?

Senator Fraser: The report appears later in the Order Paper because it is a report and not a bill. Obviously, the report must be adopted before the bill is adopted, but that can also be done tomorrow.

Senator Cools: Honourable senators, it would be better to proceed to adopt the bill at second reading after Senator Day has spoken and after the report has been —

Senator Comeau: Question!

Senator Cools: I was speaking, colleagues. Honourable senators, I am proposing that it would be better to proceed in that order because it is the adoption of the report that really is the signal to bring on the bill. I fail to see what difference a day here or there makes.

It is highly unusual for a supply bill to move ahead to second reading without some commentary at the second reading stage from the opposition side. It is not something that one just dismisses and says, "Well, someone will speak tomorrow." It is an extremely important part of the entire process.

Maybe everyone else thinks it is all right but I do not think it is a good idea and I do not think the opposition should be agreeing to such a bad idea.

Senator Fraser: Let me clarify, for Senator Cools, that this proposal did not come from the government side; it came from our critic, and I know that it is unusual. Senator Cools is, as usual, very acute in noting unusual procedures in this place. It arises because Senator Day has two extremely demanding roles to fill this week. He is our critic on Bill C-2, which is under consideration at this moment by the Standing Senate Committee on Legal and Constitutional Affairs, with very important witnesses appearing before it; and he is the Chair of the Standing Senate Committee on National Finance and handles bills of this nature for our side.

He spoke to me yesterday and asked if we could, in an uncustomary fashion, proceed in this way. It is unusual.

Senator Comeau: It is not out of order.

Senator Fraser: I do not believe it is contrary to our rules in any way. We are, of course, in the hands of the chamber.

I thank Senator Cools for her intervention on this matter because it is obviously very important that we be aware of what we are doing and that we make it plain when we do depart from customary procedure that we do not consider it something to be done in a habitual manner.

Senator Cools: You may end up arguing that at some point in the future.

In point of fact, the envelope has been pushed already to the extent that the debate on the bill has begun before the report has been adopted. The mere fact that the two instruments are travelling simultaneously side-by-side is already pushing the envelope. To have the bill pass second reading before the report is adopted and without anyone's opinion being voiced from the opposition, I repeat, is not a desirable thing. I do not know how the agreement was formed; I do not understand what the foundation of it is. I understand that Senator Day is a little busy for today, but certainly among all your learned colleagues there must be someone, one member who could speak. If the honourable senator really wanted to facilitate the government, that one person could put something on the record in respect of this issue.

• (1610)

I, for one, am reluctant to go ahead to a vote at second reading without hearing from the other side. Second reading is a critical stage in a bill and it is not to be shrugged off. These things that look like only courtesy are difficult, and I am going to vote against it.

Senator Comeau: Question!

Senator LeBreton: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Tkachuk, that this bill be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Cools: On division.

Motion agreed to and bill read a second time, on division.

The Hon. the Speaker: When shall this bill be read a third time?

On motion of Senator Nancy Ruth, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

APPROPRIATION BILL NO. 3, 2006-07

SECOND READING

Hon. Nancy Ruth moved second reading of Bill C-39, for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007.

She said: Honourable senators, Bill C-39, Appropriation Bill No. 3, 2006-07, seeks Parliament's approval to spend \$5 billion in voted expenditures as outlined in Supplementary Estimates (A) 2006-07.

These expenditures were provided for within the planned spending set out by the Minister of Finance in his May 2006 budget. Supplementary Estimates (A), 2006-2007, were tabled in the Senate on October 30, 2006, and referred to the Standing Senate Committee on National Finance. These are the first supplementary estimates for the fiscal year that ends next March 31.

These supplementary estimates were discussed in some detail with Treasury Board Secretariat officials David Moloney and Laura Danagher in their appearance before the Standing Senate Committee on National Finance on November 22, 2006.

The supplementary estimates provide details of \$9.2 billion in budgetary spending. Of this, \$5 billion requires the approval of Parliament and includes such major budgetary items as \$1 billion for operating budget carry forward for 80 departments and agencies from 2005-06; \$955.9 million to support the operational sustainability of our Canadian Forces; \$478.4 million for compensation adjustments to departments and agencies for signed collective agreements and other related adjustments in terms and conditions of service or employment made between August 1, 2005 and July 31, 2006; \$342 million to support the Canadian Farm Families Options Program and implementation of the Agricultural Policy Framework; \$218.2 million for investments in public infrastructure projects designed to improve the quality of life in both urban and rural communities; \$153 million for public security initiatives; and \$122.2 million to Foreign Affairs and International Trade Canada to forgive the debt of six countries, these being Cameroon, Republic of Congo, Madagascar, Rwanda, Tanzania and Zambia.

The supplementary estimates also include an increase of \$4.2 billion in budgetary statutory spending that has been previously authorized by Parliament.

Adjustments to projected statutory spending are outlined in the supplementary estimates for information purposes only, as the necessary spending authority already exists through other statutes. These include \$1.6 billion for the administration costs related to the Universal Child Care Benefit to Canadian families with young children; \$873 million to support amendments to the inventory valuation under the Canadian Agricultural Income Stabilization Program; \$650 million in funding to provinces and territories for early learning and child care programs; \$495.5 million for increased transfer payments to provincial and territorial governments, including fiscal equalization; and an increase of \$393 million in public debt charges to reflect increases in short-term interest rates.

The expenditure restraint measures announced on September 25, 2006, are accounted for in these supplementary estimates as reductions to departmental reference levels, wherever applicable.

Hon. Anne C. Cools: Honourable senators, I assume that Senator Day is the point man on this as well.

Hon. Joan Fraser (Deputy Leader of the Opposition): Yes.

Senator Cools: Honourable senators, I was not planning to speak on any of these issues but I should like to articulate my strong objection to the passing of bills in the magnitude of these billions of dollars without any debate, based on a five- or 10-minute speech by a government member and no statement from the opposition. I find that objectionable, undesirable and a bad habit and practice.

I was appalled, as I think Senator Murray was last spring, when the Appropriation Act No. 1 passed the House in 15 minutes. I thought, "My God, we will never allow that to happen here in this place."

The record should show a debate. The record should show that this house, this chamber, took the appropriation of so many billions of dollars — the kind of money most Canadians, most human beings cannot even conceptualize of — with some seriousness. I am a little shocked, I must confess, to see something like this go through with no debate.

I do not care what the reason is: It should not happen unless there is some debate, unless some sort of opinion is offered before we adopt it at second reading. This is not right, it is not proper and it is not worthy of the Senate of Canada. It is not worthy of us.

I do not understand how we can do this. I have not been paying attention to this bill. Perhaps the honourable senator can tell me what is the total quantum between these two bills that we are asking to appropriate? What is the total amount between the two of them?

The Hon. the Speaker: Is there any further debate?

Senator Robichaud: You were asking a senator to answer?

Senator Cools: Someone must tell us.

I have never seen in my life such huge amounts of monies be passed with so little comment. I find it wrong and improper. It is not worthy of any government, Senator Tkachuk. It is unworthy. You are looking at me; I am telling you that.

The Hon. the Speaker: Order!

Senator Tkachuk: His Honour is speaking.

The Hon. the Speaker: Order, order. After Senator Nancy Ruth spoke, the chair called for further debate. Senator Cools has risen to participate in the debate. We are beyond Senator Nancy Ruth's time. Had we been on Senator Nancy Ruth's time in questions and comments, again, I must underscore that in a question to a senator, as time goes on, that individual senator is not obligated to answer the question. However, we are not on Senator Nancy Ruth's time; we are on Senator Cools' time.

Senator Cools: I would like to say to the honourable senator that we can talk to His Honour, the Speaker in this place. It would be a tall argument and a steep hill to climb to justify the fact that, in the absence of any debate on the subject matter, that

I merely inquired for the total quantum and that was not put here on the record. Well, if I cannot have the total, what is the total for this bill on this particular item?

• (1620)

Senator Nancy Ruth: It is \$5 billion with respect to Bill C-39.

Senator Cools: It is not necessary for me to repeat this. The problem is that in life I take things seriously, and obviously I should not. However, we should not let this sort of thing happen. It is very wrong. It hurts me and bothers me when I see ordinary Canadians working hard for their \$15 per hour, just scraping by, and we cannot even dignify the appropriation bills with some questions and with some debate. It does not look good on us at all. I am really shocked, I must tell you.

Senator Fraser: Honourable senators, Senator Cools is in many, many ways absolutely right. It is indeed our job to scrutinize these matters very carefully. As it happens, in the matter of these two bills, at the request of Senator Day I made an agreement that we would handle them in this way. I will not do so again. Senator Cools has persuaded me. However, let me note that before making that agreement, I considered the matter and concluded that since we can move amendments to bills at third reading should we wish to do so and we can have full debate on bills at third reading and in this case in particular should do so, I will not now renege on my agreement. However, let me assure Senator Cools that her words have not fallen on deaf ears.

Senator Cools: Let us not belabour the point. I had no idea. I am not even prepared for all of this. The honourable senator is also saying that the next two items, which are the reports, will proceed in the same way. Is that right? Will someone answer for what the government is doing? The Deputy Leader of the Opposition should not have to answer for what the government is doing before us.

In other words, after the two appropriation bills, the next two items are the consideration of the two Senate committee reports.

Senator Di Nino: We are on Bill C-39.

Senator Cools: Am I to understand that Senator Day will not be speaking to those two reports and that they will move ahead without debate? Is that the case? Is that what is happening?

Senator Fraser: As Senator Cools knows, I am not in charge of government business in the house, but I did notice that Senator Comeau had been temporarily distracted in conference with the Leader of the Government in the Senate while Senator Cools was asking her question. I will say that it is my understanding that we will stand these items today and that tomorrow, before we return to the supply bills, we will consider the reports from the Standing Senate Committee on National Finance.

Senator Cools: This is getting stranger and stranger. I do not understand why the Deputy Leader of the Opposition is giving this explanation and not the Leader of the Government. The government leader should be explaining these matters, and I just do not understand. When such dramatic departures are taking place, the government should explain.

[Senator Cools]

Hon. Gerald J. Comeau (Deputy Leader of the Government): I wish to thank the honourable senator on the other side for pointing out to this chamber that I was distracted for a few moments while Senator Cools was raising her objections to the procedure we have been following today.

I have a couple of points on this matter. We did discuss this procedure this morning. My understanding was that Senator Day would speak to these items tomorrow and that this had been looked at in report stage. He will speak to the report tomorrow, which will outline what the committee did in its consideration of the two appropriation bills. Senator Cools is more than welcome to attend the Finance Committee so as to follow the debate on these amounts.

I do not think we need to leave the impression with Canadians that these estimates are not given serious scrutiny by the Finance Committee and by the Senate as a whole. Any amendments that need to be brought forth can be done at third reading as well. We are debating the acceptance of the principle of the two bills, which is the allocation of money for the government to do its work. I do not think anyone in the chamber is opposed to the principle of continuing to operate Canada. If amendments are to be introduced, they can be moved at third reading debate of the bills.

I am quite sure that the Finance Committee did marvellous work in its consideration of these bills. We will hear from the committee at report stage and will continue to do so in the future.

Senator Cools: I would like to thank the honourable senator for his remarks, but they confirm what I am saying. We all know that the Standing Senate Committee on National Finance studies the Main Estimates. The fact of the matter is that the entire chamber does not study them, unless we were to propose that such bills be referred to Committee of the Whole. The fact of the matter is that these bills are not referred to committees precisely because they anticipate a full report in the Senate and a full debate before they receive second reading. That is what the system anticipates and that is what I have been questioning.

The honourable senator said that his point man is not here today, and I appreciate that fact and have no problem with it. However, the point of fact is that in debate, something should show up on the record. That is all I was saying. It is not good enough for Senator Fraser to say that because Senator Day cannot be here the two leaders made an agreement. It is simply insufficient and not worthy of us. The record should show some debate and more debate when we are asking for a quantum of money of this magnitude. That is all that I have been saying. The record today certainly is not showing that. The debate becomes all the more important because the bills are not referred to committee.

Supposedly, it is the report of the committee that we rely upon to decide whether we wish to give the bill second reading. That is all I was trying to say. I think my honourable friend has taken that point and I do not have to convert her. I have a hard time with bills, containing money amounts of this magnitude, proceeding so casually.

Hon. Lowell Murray: Honourable senators, I do not want to quarrel with the honourable senator, but she and I have had this discussion before about the relationship between the study by the

Finance Committee and the appropriation bill. My recollection of the understanding of the precedent in this place is that we do not proceed with the appropriation bill without having the report.

Senator Cools: That is correct.

Senator Murray: I have never understood it to be the case that we had to debate and adopt the report in order to get on with the appropriation bill.

Senator Cools: They can move simultaneously.

Senator Murray: Yes, they can move simultaneously and an argument can be made that they are doing so. If these two bills receive second reading, then honourable senators can assume that the Chairman of the Finance Committee will be in the chamber tomorrow and debate will begin.

• (1630)

We had this argument when Senator MacEachen and Senator Stewart were on the other side, and then when I was on the other side, but it has always been considered sufficient to have the report in front of us in order to proceed with an appropriation bill. It was never considered necessary to have a debate and to adopt the report. That is my recollection.

Senator Cools: That is your view. It certainly was not the view of Senator Stewart, nor was it the view of Senator MacEachen. The practice has been, and it is supported by much authority, that the adoption of the report is the actual signal that the bill is okay.

As I said, I was not prepared for this at all. The only thing I have on my desk is Beauchesne, and I have been scrambling to find something in there. At page 263, of Beauchesne's sixth edition, it states:

968(1) The concurrence by the House in the Estimates is an Order of the House to bring in a bill, known as the Appropriation Bill...

The understanding is that the debate on the report is the way the committee informs the house of the activities within the committee and that that should be adopted before the second reading. I was shocked that there was no debate — that was all. I was not planning to take part in this debate. God knows I have put in hundreds of hours for governments on both sides of this chamber over the years.

If the honourable senator will recall, in support of his own intervention, back in May, I think it was, when we did the first supply bill appropriations — I think it was Bill C-8 — he expressed horror at the other side in the other place when the bill was passed in 15 minutes. I think Senator Murray used the words, "without a question, without any debate." I was echoing Senator Murray's sentiments, his words and his shock at what the House of Commons did in the fact that the Senate was doing the same thing.

The adoption of the report is the way of the chamber, the house, expressing its agreement or acceptance of what went on in committee, which then leads into the debate. Maybe the system is dead. I do not know. Maybe I should not have bothered to get to my feet at all, but I was surprised that this was moving ahead with

no debate and with no question whatsoever, and that we actually adopted an appropriation bill at second reading without a murmur from the other side.

Senator Murray: The honourable senator properly cites Beauchesne as saying that the house concurs in the estimates. I have been on the Standing Senate Committee on National Finance for a long time and I have never heard a motion to concur in the estimates. That is not what we do. We have the estimates before us, we question officials usually, we do a narrative report on what we saw and heard, and we bring it in here.

Senator Cools: Yes.

Senator Murray: The tradition I am familiar with — as Casey Stengel used to say, you could look it up — having sat on both sides and been involved in the National Finance Committee, is that the report must be tabled. Otherwise, the Senate takes great objection to proceeding with the appropriation bill. That condition has been complied with; the report is before us. It would be highly desirable, I suppose, to go ahead with the debate on the report, but time constraints being what they sometimes are, we often have to content ourselves with having the report before us and, without debate on the report, pass the appropriation bill.

Senator Cools: I accept that, except there has been no indication before us that there is any time constraint.

I understand clearly that the supply process in this place is totally different from the other place. In this place, everything, with the exception of one or two things, goes to one committee. It is a different process, and I understand that. When I walked in here, I saw and heard this happening. I did not come prepared. I was not intending to be on my feet. I cited that reference because Beauchesne is largely about the House of Commons. We do not have a book about the Senate to establish the principle that the adoption of the report expresses an agreement, an acceptance, and that that is the signal here to move ahead. In other words, the house has to show some kind of acceptance and some kind of agreement. In any event, the honourable senator will do what he wants.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Nancy Ruth, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

ANTI-TERRORISM ACT

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—

REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Special Senate Committee on the Anti-terrorism Act (budget—study on the provisions and operation of the Anti-terrorism Act—power to hire staff), presented in the Senate on November 23, 2006.—(Honourable Senator Smith, P.C.)

Hon. David P. Smith: Honourable senators, I move the adoption of the report standing in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE ON MOTION TO AMEND—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser, for the adoption of the second report of the Special Senate Committee on Senate Reform (motion to amend the Constitution of Canada (western regional representation in the Senate), without amendment but with observations), presented in the Senate on October 26, 2006.—(Honourable Senator Tkachuk)

Hon. Jack Austin: Honourable senators, with the consent of Senator Tkachuk, in whose name this motion stands, I shall proceed with my own contribution to the debate.

Honourable senators, nothing is clearer or more important to know and act on than that the Canadian Senate is an independent player in the constitutional amendment process. This key point was made by Senator Murray in his presentation of this resolution in the *Debates of the Senate* of Tuesday, June 27, 2006.

Senator Murray went on to explain that, if the motion is passed by this chamber, it would then commence the formal process of constitutional amendment, namely, messages to the House of Commons and all provincial legislatures. As provided by the Constitution Act, those bodies have three years within which to act or this resolution will be deemed to expire and have no further force or effect.

Honourable senators know that this resolution, to take effect, will require the support of at least seven provinces representing more than 50 per cent of Canada's population, as well as a majority of the House of Commons. That is a daunting task and colleagues may rightly believe that it will not happen. This is, incidentally, the first occasion on which the Senate may use its undoubted right to propose a constitutional amendment and should be considered an important event in the history of the Senate for that reason alone.

• (1640)

Again referring to Senator Murray's comments on June 27, 2006, I will not repeat the examples and precedents with regard to the evolving change of representation in the Senate except to make his point that this is not a novel or unprecedented step. The federal and provincial governments have always adhered to the principle of fairness and equity in their constitutional relationships and made adjustments accordingly. The patriation of the Constitution and the Charter of Rights in 1982 are

examples and Senator Murray has cited previous examples of adjusted representation in the Senate due to demographic and/or political changes such as to Newfoundland and Labrador or the three northern territories.

The same principle of fairness and equity is in play with respect to the federal obligation under the Constitution regarding equalization payments. In British Columbia, from at least the time of Premier W.A.C. Bennett in the 1950s and 1960s, provincial premiers have asked the federal Parliament and other provinces to recognize British Columbia's demographic under-representation in both chambers of Parliament. British Columbia has also made clear that it does not accept its constitutional designation as in a Western Canada division and insists that British Columbia represents a separate and distinct regionality in Canada, a coastal area and a mountainous area with economic interests quite different from the Prairie provinces, from which British Columbia maintains it should be a separate division of 24 senators on their own.

On December 11, 1995, the federal government accepted the position of British Columbia as a distinct constitutional division. I believe it is sufficiently important that I repeat the reference which Senator Murray made to a ministerial statement in the House of Commons by then Justice Minister Allan Rock. He said that the economy of British Columbia and its Pacific coastline "made it different from the provinces in the prairies. This recognition coincides with the position that B.C. governments have taken for over twenty years. Indeed it was a position of Premier W.A.C. Bennett in 1971 that British Columbia should be recognized for constitutional purposes as a separate region."

As Senator Murray reminded us in the debate on the Constitutional Amendments Act, 1996, which established British Columbia as a separate division for legislative purposes but not by constitutional amendment, the Reform MP for Calgary West, Mr. Stephen Harper, as he then was, said:

British Columbia is obviously a distinctive and strong region with a vibrant economy.... It is larger both in terms of geography and population than all of the Atlantic provinces combined. It is certainly not going to view itself as part of some western region.

Honourable senators, one portion of this resolution will simply create British Columbia as a constitutional division, and I believe that is not a controversial item. However, I accept there is more sensitivity with respect to that portion of the resolution that will add 12 senators to this chamber. I believe it is obvious, but I will note for clarity, that if this resolution is passed no province will lose a Senate seat. The addition of 12 senators as proposed — six for British Columbia, four for Alberta, and one each for Saskatchewan and Manitoba — will affect only marginally the relative voting strength in this chamber while removing a grievance in Western Canada and an impediment to greater constitutional change should the House of Commons and the provinces desire such future steps.

I noted in my own comments on June 27, 2006, in this chamber that on May 26, 2006, Prime Minister Harper, speaking in Victoria, British Columbia, said, in putting forward his program, that British Columbia must be given its fair share of seats in the House of Commons and that the Senate should better reflect the demography of the regions.

Premier Campbell, on June 1, 2006, responded publicly to the Prime Minister by stating that the province should be designated a fifth region and should have 20 per cent of Senate seats. With 13.2 per cent of Canada's population, British Columbia has 5 per cent of seats in the Senate and Alberta's proportion is similar. Those two provinces together have 23 per cent of our population but 11 per cent of Senate seats.

This resolution proposes only a partial change in British Columbia and Alberta Senate representation so that in population terms they will still have about 5 per cent fewer seats. It is a well-recognized principle that Senate representation should lean toward reinforcing the parliamentary standing of lesser population provinces. It is for that reason that the resolution proposes the addition of one seat to Saskatchewan and one to Manitoba.

I want to express my thanks to Senator Prud'homme, Senator Carstairs, Senator Tkachuk, Senator St. Germain, Senator Watt and Senator Adams for their questions and comments in our June debate. Some thought that British Columbia should receive even more seats, up to the 24 I have mentioned. At this time, Ontario, British Columbia and Alberta are the most under-represented provinces in the Senate, but Ontario has a nearly dominant position in seats in the House of Commons to compensate for its Senate under-representation, whereas that is not the situation for British Columbia and Alberta.

The Special Senate Committee on Senate Reform presented its report to the Senate on October 26, 2006. I want to thank the chair, Senator Hays, and the deputy chair, Senator Angus, as well as the members of that committee for the care and attention given to this resolution and for the committee's conclusion that the resolution should be given favourable attention and the support of this chamber.

Senator Hays, on Thursday, November 2, 2006, reviewed the comments of the special committee, and I commend his presentation, honourable senators, as I am not given the time to review them here. In brief, I note that Senator Hays said:

...the under-representation of the West in the Senate is a matter that must be dealt with seriously.

Senator Mercer, in a question to Senator Hays, asked:

Are you happy that we are approaching Senate reform piecemeal?

Frankly, while it is a relevant question, and the formal answer is no, I wish we could address Senate reform in a comprehensive way. The political reality is that to make progress we have to unpack the issues and take them in a way that removes the roadblocks. This is one small step.

While I appreciate the intervention of Senator Ringuette, I do not agree with her that this is a fundamental change to our Parliament or to the Senate. When the Atlantic provinces have 30 seats in the Senate with less than 2 million people, and British Columbia and Alberta have 12 seats with 8 million people, we are

not asking for a fundamental change to give Alberta and British Columbia 22 seats — four for Alberta and six more for British Columbia.

Honourable senators will note that Senator Carney took the exact opposite position to that of Senator Ringuette in the same debate on November 21 last. She said that:

The constitutional amendment proposed...would enshrine the establishment of second-class status for British Columbians.

Senator Carney proposes that British Columbia receive 24 seats. I have noted that I believe 12 seats have a chance to be accepted, just a chance, but 24 is just logic, and I do not believe it to be a pragmatic proposal.

To conclude, honourable senators, Senator Murray and I have put a balanced proposal regarding Senate seats for Western Canada and British Columbia in this resolution. The provinces have a full authority to consider this resolution and to amend it or reject it, as does the House of Commons. Let us show our interest in removing a Western grievance, or at least reducing it. Let us pass this resolution and see what the provinces will do with it. Over to them, I say.

On motion of Senator Tkachuk, debate adjourned.

• (1650)

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Robichaud, P.C.*)

Hon. Ione Christensen: Honourable senators, I wish to participate in this inquiry because of the direct effects it has had on the Yukon, to the tune of over \$300,000. That is just the start.

As Canada's population ages and retires, the need for a skilled workforce to fill the void presents a challenge to our country. Over the last decades, the birth rate has not kept pace with our expanding economy.

The largest group of youth in Canada today is represented by the Aboriginal community. At first glance, this situation presents an envious opportunity to a sector of our population that has struggled over the years to fit into the rapidly growing age of technology.

As with everyone, education is the key to meeting this need, but a large proportion of the Aboriginal youth live in remote areas where the need to stay in school is not always seen as a priority. The formal structure of Canada's education system does not fit well with the traditional system of learning on the land. As a result, many drop out.

Their academic abilities are minimal; and, as adults, they develop coping skills that work in a frontier society structure, but they are not able to provide the support and guidance to their children as they enter the structured educational system, and so the problem is compounded. This problem, of course, is not limited to Aboriginals but to any persons who are marginalized in our society.

In the 1980s, I worked with builders in delivering the R-2000 energy program. In the North, we had many skilled contractors, but getting them to come to workshops and to learn the new requirements of that program was always difficult. There was a great fear that a written test would be required, and many of these competent tradespersons did not have literacy skills.

Over the last 20 years this has changed. Adult education is widely accepted and education is seen as a lifelong endeavour. The stigma of adult education is fading; and with the help of literacy programs and many dedicated volunteers, one-on-one instruction has helped thousands of Canadians become literate.

This change has not happened overnight. It has been a long process. Building confidence in older persons is difficult. When they have spent all their life developing coping mechanisms to hide their shame of being illiterate, it is not easy to reverse that process.

Trust must be established; programs must demonstrate that they really work. They build on each small success. There must be champions who say, "We believe in you, and yes, you can do it." Peter Gzowski was such a champion, an outstanding mentor, as is Senator Fairbairn.

It has been mentioned during this debate that the Yukon Territory scored high in the National Standard survey, but this is misleading. There are 31,000 persons in the territory; 22,000 live in the capital of Whitehorse, where the majority of the workforce is government employees and professionals. However, it is a different story outside the capital. I am told by the staff at the Yukon Literacy Coalition that in addition to the total loss of their funding, the program cuts have hit the hardest in the smaller rural communities.

It is always prudent to spend taxpayer dollars wisely, and the review of programs to ensure there is value for money is responsible. However, when an unacceptable percentage of the Canadian workforce lacks basic reading and writing skills, a cut of \$17.7 million from the Human Resources and Social Development Canada literacy program, while at the same time announcing a surplus of over \$13 billion, defies logic. Canada needs every member of our workforce to have the ability to learn and to grow our economy.

We are informed that the \$17.7 million was cut, but there was \$81 million over two years for adult training and literacy skills development. However, we do not know whether this is new money or money left over from old programs, nor do we know how that money will be used.

We are then told that the new government does not wish to tread in areas where the provinces are already involved. This argument sounds a little like government-speak to me for downloading programs. Only this week in the Yukon, our literacy coalition was closing its doors, but the territorial government has stepped in and added enough money to take them to April 1.

There is \$81 million for something to be used in some form and, we must assume, for some type of learning program. There is much confusion on what is happening with the literacy program, and I think that is where the real tragedy lies — the lack of consultation, the lack of information and the lack of understanding regarding the depth of the existing literacy programs involved across this country today.

A number of senators, from both sides of the chamber, have spoken on this issue. Without exception, they agree on the importance of literacy for individual esteem and the economic health and growth of Canada. In this place, where minorities are a direct responsibility, and as we deal with an issue that must rise above partisan interest, I urge the Leader of the Government in the Senate, with the support of all senators, to take a leadership role in this issue and have her colleagues put literacy back on the rails.

Senator Segal had the right idea. We should work with the existing Canadian literacy coalitions, the provinces, the territories and industry to build on what is there. We must not allow the established network, which has taken years to build, to be abandoned. To try and rebuild, using a shotgun approach through a myriad of departments, is counterproductive.

This segregation of departments, at first glance, might appear to be prudent. First Nations, new Canadians and youth — each group is directed to the area where the responsibility for their needs lies. However, there is no continuity or uniformity of delivery for literacy programs. It adds bureaucracy, and persons who cannot read to start with would find it impossible to navigate this maze. They would not even know where to start.

The need for literacy programs is for people who cannot read — not First Nations who cannot read, not youth who cannot read, not new Canadians who cannot read, but for people, whoever they may be — men, women, the old, youth, new Canadians, old Canadians, every race and religion. Through being illiterate, they are marginalized. Let us keep the program inclusive.

The public relations surrounding this issue have been abysmal. In all that has been said by the new government, it is not clear where the cuts are, how the new money will be used or how those requiring literacy training will receive it. All the information that has been presented would lead to the conclusion that funding is not the issue or the problem; it is efficiency and effectiveness.

Dismantling and rebuilding is non-productive and fiscally wasteful, to say nothing of the broken trust and the loss of experience so painfully built over the years. When a program speaks to the need in growing our economy — and literacy is certainly such a program — we build on that program; we do not cut, patch and rearrange. To make changes for the sake of change and optics, or alleged fiscal management, is immoral and mean-spirited.

• (1700)

Such programs, dependent on dedicated volunteers dealing with a fragile clientele, take time to develop and to grow. By creating uncertainty and rearranging them, the programs can be set back by years and that is where the real waste in funding happens.

Literacy builds our communities, especially in rural Canada. It affects all our essential services: health, justice, education and the development of our economy. We need these programs working today so that our citizens are working tomorrow.

On motion of Senator Robichaud, debate adjourned.

[Translation]

POST-SECONDARY EDUCATION

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Tardif calling the attention of the Senate to questions concerning post-secondary education in Canada.—(*Honourable Senator Losier-Cool*)

Hon. Rose-Marie Losier-Cool: Honourable senators, I am pleased to speak in connection with the inquiry that my honourable colleague, Senator Tardif, has launched on questions concerning post-secondary education in Canada.

I will not repeat here the excellent arguments made by Senator Tardif, who clearly demonstrated the positive impact that post-secondary education has on a country's economic success, both domestically and internationally. Senators Segal and Moore also referred to the link between education and economic productivity.

I will simply add a personal conviction that I have often expressed: our university graduates would obviously be twice as productive and twice as likely to succeed in their careers if they were as comfortable in French as in English. The ideal of bilingualism for our graduates is an issue that also concerns our new Commissioner of Official Languages, Graham Fraser.

The Honourable Senator Segal caught my attention with an argument about the relationship between universities and colleges, which he feels should be even better.

In this regard, I would like to share some personal thoughts on a success story in my home province of New Brunswick: our Community College.

First, I would like to say that, contrary to what many people think, the term "post-secondary" is not necessarily synonymous with "university". Young and not-so-young adults who pursue their education beyond secondary school do not study exclusively at university. For example, in New Brunswick, approximately 25,000 students are enrolled in the province's four universities, while nearly 16,000 are attending school on the various campuses of the New Brunswick Community College.

[English]

The New Brunswick Community College network was established in 1972. Its English arm has six campuses: Fredericton, Moncton, St. Andrews, Woodstock, Miramichi and Saint John.

[Translation]

The francophone arm of the Community College has five campuses, in Bathurst, Edmundston, Campbellton, Dieppe and on the Acadian peninsula. Owing to the low population density of the peninsula, the last campus is spread amongst Shippagan, Haut-Lamèque and Tracadie-Sheila.

[English]

The New Brunswick Community College is a true success story in post-secondary education. It offers over 100 programs that cover a wide gamut: from aircraft technology to brick laying; from carpentry to computer repairs; from early childhood education to journalism; from office administration to plumbing; and from nursing to welding. As you can see, honourable senators, these programs generate quite a diverse workforce, from white collar workers to scientists and from social services professionals to tradespeople. These tradespeople are becoming increasingly valuable as many of you have by now realized.

One simple example is Alberta, where most of the jobs on offer are for tradespeople, and which drains many such skilled workers from other provinces.

[Translation]

Another example is that of Quebec, a province that has just modified its policy to encourage the immigration of people with technical skills or who are otherwise qualified for more traditional trades, rather than white collar jobs. The lack of skilled tradespeople is also becoming apparent where I am from in New Brunswick, which only further attests to the importance of the Community College.

Furthermore, the study programs at the college are developed in partnership with local employers, and nearly 90 per cent of the college's graduates find work within six months after their graduation.

The courses offered by the Community College can be considered as university credits, for those who wish to continue their post-secondary studies at university. And Senator Segal, who is very concerned about student debt, will be happy to learn that tuition at the college is only \$2,600 a year, which is well below the \$4,400 tuition fees at St. Thomas University, the \$4,700 fees at Université de Moncton, the \$5,200 fees at the University of New Brunswick and the \$6,400 fees at Mount Allison University.

[*English*]

Honourable senators, colleges are often underestimated. The important role they play in post-secondary education and the contribution they make to the Canadian economy in the form of readily employable skilled workers is to be praised indeed.

[*Translation*]

I am therefore very proud to congratulate the New Brunswick Community College and its 11 campuses on the crucial role that it plays in my province.

[*English*]

I truly believe that small is beautiful, honourable senators.

On motion of Senator Fraser, for Senator Callbeck, debate adjourned.

The Senate adjourned until Wednesday, December 6, 2006, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Daniel Hays

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(December 5, 2006)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Monte Solberg	Minister of Citizenship and Immigration
The Hon. Chuck Strahl	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Carol Skelton	Minister of National Revenue and Minister of Western Economic Diversification
The Hon. Vic Toews	Minister of Justice and Attorney General of Canada
The Hon. Rona Ambrose	Minister of the Environment
The Hon. Diane Finley	Minister of Human Resources and Social Development
The Hon. Gordon O'Connor	Minister of National Defence
The Hon. Beverley J. Oda	Minister of Canadian Heritage and Status of Women
The Hon. Jim Prentice	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. John Baird	President of the Treasury Board
The Hon. Maxime Bernier	Minister of Industry
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of International Cooperation and Minister for La Francophonie and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services
The Hon. Peter Van Loan	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister for Sport

SENATORS OF CANADA

ACCORDING TO SENIORITY

(December 5, 2006)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon	Whitehorse, Yukon
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauson	Sainte-Foy, Que.
Yoïne Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(December 5, 2006)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Liberal
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Christensen, Ione	Yukon	Whitehorse, Yukon	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Ind. New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hays, Daniel	Calgary	Calgary, Alta.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth.	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(December 5, 2006)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 John Trevor Eyton	Ontario	Caledon
10 Wilbert Joseph Keon	Ottawa	Ottawa
11 Michael Arthur Meighen	St. Marys	Toronto
12 Marjory LeBreton, P.C.	Ontario	Manotick
13 Lorna Milne	Peel County	Brampton
14 Marie-P. Poulin	Northern Ontario	Ottawa
15 Francis William Mahovlich	Toronto	Toronto
16 Vivienne Poy	Toronto	Toronto
17 David P. Smith, P.C.	Cobourg	Toronto
18 Mac Harb	Ontario	Ottawa
19 Jim Munson	Ottawa/Rideau Canal	Ottawa
20 Art Eggleton, P.C.	Ontario	Toronto
21 Nancy Ruth	Cluny	Toronto
22 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 Marcel Prud'homme, P.C.	La Salle	Montreal
5 W. David Angus	Alma	Montreal
6 Pierre Claude Nolin	De Salaberry	Quebec
7 Lise Bacon	De la Durantaye	Laval
8 Céline Hervieux-Payette, P.C.	Bedford	Montreal
9 Lucie Pépin	Shawinigan	Montreal
10 Serge Joyal, P.C.	Kennebec	Montreal
11 Joan Thorne Fraser	De Lorimier	Montreal
12 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13 Jean Lapointe	Saurel	Magog
14 Michel Biron	Milles Isles	Nicolet
15 Raymond Lavigne	Montarville	Verdun
16 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17 Roméo Antonius Dallaire	Gulf	Sainte-Foy
18 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
19 Dennis Dawson	Lauzon	Ste-Foy
20 Yoine Goldstein	Rigaud	Montreal
21 Francis Fox, P.C.	Victoria	Montreal
22 Michael Fortier, P.C.	Rougemont	Town of Mount Royal
23		
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gerald J. Comeau	Nova Scotia	Saulnierville
2 Donald H. Oliver	Nova Scotia	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Gerard A. Phalen	Nova Scotia	Glace Bay
6 Terry M. Mercer	Northend Halifax	Caribou River
7 James S. Cowan	Nova Scotia	Halifax
8		
9		
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7 Pierrette Ringuette	New Brunswick	Edmundston
8 Marilyn Trenholme Counsell	New Brunswick	Sackville
9 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Winnipeg
5 Maria Chaput	Manitoba	Sainte-Anne
6 Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6 Larry W. Campbell	British Columbia	Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 Leonard J. Gustafson	Saskatchewan	Macoun
3 David Tkachuk	Saskatchewan	Saskatoon
4 Pana Merchant	Saskatchewan	Regina
5 Robert W. Peterson	Saskatchewan	Regina
6 Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Hays	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4 Claudette Tardif	Alberta	Edmonton
5 Grant Mitchell	Alberta	Edmonton
6 Elaine McCoy	Alberta	Calgary

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3 Joan Cook	Newfoundland and Labrador	St. John's
4 George Furey	Newfoundland and Labrador	St. John's
5 George S. Baker, P.C.	Newfoundland and Labrador	Gander
6		

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen	Yukon	Whitehorse

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of December 5, 2006)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain

Deputy Chair: Honourable Senator Sibbeston

Honourable Senators:

Campbell,	* Hays,	* LeBreton,	St. Germain,
Dyck,	(or Fraser)	(or Comeau)	Segal,
Gill,	Hubley,	Lovelace Nicholas,	Sibbeston,
Gustafson,		Peterson,	Watt.

Original Members as nominated by the Committee of Selection

*Campbell, Dyck, *Hays (or Fraser), Gill, Gustafson, Hubley, *LeBreton, (or Comeau),
Lovelace Nicholas, Peterson, Segal, Sibbeston, St. Germain, Watt, Zimmer*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Callbeck,	* Hays,	Mahovlich,	Peterson,
Christensen,	(or Fraser)	Mercer,	Segal,
Fairbairn,	* LeBreton,	Mitchell,	Tkachuk.
Gustafson,	(or Comeau)	Oliver,	

Original Members as nominated by the Committee of Selection

*Callbeck, Christensen, Fairbairn, *Hays (or Fraser), Gustafson, *LeBreton, (or Comeau),
Mahovlich, Mercer, Mitchell, Oliver, Pépin, Peterson, Segal, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	Grafstein,	Hervieux-Payette,	Meighen,
Biron,	Harb,	* LeBreton,	Moore,
Eyton,	* Hays,	(or Comeau)	Tkachuk.
Fitzpatrick,	(or Fraser)	Massicotte,	
Goldstein,			

Original Members as nominated by the Committee of Selection

*Angus, Biron, Eyton, Fitzpatrick, *Hays (or Fraser), Goldstein, Grafstein, Harb, Hervieux-Payette,
LeBreton, (or Comeau), Massicotte, Meighen, Moore, Tkachuk.

CONFLICT OF INTEREST FOR SENATORS

Chair: Honourable Senator Joyal

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

Andreychuk,
Angus,

Carstairs,

* Hays,
(or Fraser)
Joyal,

* LeBreton,
(or Comeau)
Robichaud.

Original Members as nominated by the Committee of Selection

*Andreychuk, Angus, Carstairs, *Hays (or Fraser),
Joyal, *LeBreton, (or Comeau), Robichaud.*

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

Honourable Senators:

Adams,
Angus,
Banks,
Carney,

Cochrane,
* Hays,
(or Fraser)
Kenny,

Lavigne,
* LeBreton,
(or Comeau)
Milne,

Sibbeston,
Spivak,
Tardif.

Original Members as nominated by the Committee of Selection

*Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne,
LeBreton, (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.

FISHERIES AND OCEANS

Chair: Honourable: Senator Rompkey

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

Adams,
Baker,
Campbell,
Cochrane,
Comeau,

Cowan,
Gill,
* Hays,
(or Fraser)

Hubley,
Johnson,
* LeBreton,
(or Comeau)

Meighen,
Rompkey,
Watt.

Original Members as nominated by the Committee of Selection

*Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson,
LeBreton, (or Comeau), Meighen, Rompkey, Watt.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Chair: Honourable Senator Segal

Deputy Chair: Honourable Senator Stollery

Honourable Senators:

Andreychuk,	Di Nino,	* LeBreton,	Segal,
Corbin,	Downe,	(or Comeau)	Smith,
Dawson,	Eyton,	Mahovlich,	Stollery.
De Bané,	* Hays,	Merchant,	
	(or Fraser)		

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser),
LeBreton, (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Carstairs

Honourable Senators:

Andreychuk,	* Hays,	* LeBreton,	Nancy Ruth,
Carstairs,	(or Fraser)	(or Comeau)	Pépin,
Dallaire,	Kinsella,	Lovelace Nicholas,	Poy.
		Munson,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella,
LeBreton, (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pépin, Poy.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Comeau,	* Hays,	* LeBreton,	Poulin,
Cook,	(or Fraser)	(or Comeau)	Prud'homme,
Downe,	Jaffer,	Massicotte,	Robichaud,
Furey,	Kenny,	Nolin,	Stollery,
	Kinsella,	Phalen,	Stratton.

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays, P.C (or Fraser), Jaffer, Kenny, Keon,
LeBreton, (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Milne

Honourable Senators:

Andreychuk,	* Hays,	Milne,	Ringuette,
Baker,	(or Fraser)	Nolin,	Rivest,
Campbell,	Joyal,	Oliver,	Stratton.
Cowan,	* LeBreton,		
Day,	(or Comeau)		

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal,
LeBreton, (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Honourable Senators:

Johnson,	Oliver,	Poy,	Trenholme Counsell.
Lapointe,			

Original Members agreed to by Motion of the Senate

Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Day

Deputy Chair: Honourable Senator Nancy Ruth

Honourable Senators:

Biron,	Eggleton,	* LeBreton,	Nancy Ruth,
Cowan,	Fox,	(or Comeau)	Ringuette,
Day,	* Hays,	Mitchell,	Rompkey,
Di Nino,	(or Fraser)	Murray,	Stratton.

Original Members as nominated by the Committee of Selection

*Biron, Cools, Cowan, Day, Eggleton, Fox, *Hays (or Fraser),
LeBreton, (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Meighen

Honourable Senators:

Atkins,	* Hays,	* LeBreton,	Moore,
Banks,	(or Fraser),	(or Comeau),	St. Germain,
Day,	Kenny,	Meighen,	Tkachuk,
			Zimmer.

*Original Members as nominated by the Committee of Selection**Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny,
LeBreton, (or Comeau), Meighen, Poulin, Watt.

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	* Hays,	* LeBreton,	Meighen.
Day,	(or Fraser)	(or Comeau)	
	Kenny,		

OFFICIAL LANGUAGES

Chair: Honourable Senator Chaput

Deputy Chair: Honourable Senator Champagne

Honourable Senators:

Champagne,	* Hays,	* LeBreton	Robichaud,
Chaput,	(or Fraser)	(or Comeau),	Tardif,
Comeau,	Jaffer,	Losier-Cool,	Trenholme Counsell.
		Murray,	

*Original Members as nominated by the Committee of Selection**Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton, (or Comeau),
Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Di Nino

Deputy Chair: Honourable Senator Smith

Honourable Senators:

Andreychuk,	* Hays,	* LeBreton,	Robichaud,
Bryden,	(or Fraser)	(or Comeau)	Smith,
Corbin,	Joyal,	Losier-Cool,	Stratton,
Cordy,	Keon,	McCoy,	Tardif.
Di Nino,			

Original Members as nominated by the Committee of Selection

*Andreychuk, Bryden, Carstairs, Cools, Corbin, Cordy, Di Nino, *Hays (or Fraser), Joyal,
*LeBreton, (or Comeau), Losier-Cool, McCoy, Mitchell, Robichaud,
Smith, Stratton, Tardif.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Eyton

Vice-Chair:

Honourable Senators:

Biron,	De Bané,	Harb,	Nolin,
Bryden,	Eyton,	Moore,	St. Germain.

Original Members as agreed to by Motion of the Senate

Biron, Bryden, De Bané, Eyton, Harb, Moore, Nolin, St. Germain,

SELECTION

Chair: Honourable Senator Stratton

Deputy Chair: Honourable Senator Cook

Honourable Senators:

Austin,	Cook,	* LeBreton,	Stratton,
Bacon,	Fairbairn,	(or Comeau)	Tkachuk.
Carstairs,	* Hays,	Oliver,	
Champagne,	(or Fraser)		

Original Members agreed to by Motion of the Senate

*Austin, Bacon, Carstairs, Champagne, Cook, Fairbairn,
*Hays (or Fraser), *LeBreton, (or Comeau) Oliver, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Eggleton

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Callbeck,	Eggleton,	Keon,	Nancy Ruth,
Champagne,	Fairbairn,	* LeBreton,	Pépin,
Cochrane,	* Hays,	(or Comeau)	Trenholme Counsell.
Cook,	(or Fraser)	Munson,	
Cordy,			

Original Members as nominated by the Committee of Selection

*Callbeck, Champagne, Cochrane, Cook, Cordy, Eggleton, Fairbairn, Forrestall,
*Hays (or Fraser), Keon, Kirby, *LeBreton, (or Comeau), Pépin, Trenholme Counsell.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

Adams,	Dawson,	Johnson,	Merchant,
Bacon,	Eyton,	* LeBreton,	Phalen,
Champagne,	* Hays,	(ou Comeau)	Tkachuk,
Chaput,	(ou Fraser)	Mercer,	Zimmer.

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Carney, Dawson, Eyton, *Hays (or Fraser), Johnson,
LeBreton, (or Comeau), Mercer, Merchant, Munson, Phalen, Tkachuk, Zimmer.

THE SPECIAL SENATE COMMITTEE ON AGING

Chair: Honourable Senator Carstairs

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Carstairs,	* Hays,	Keon,	Mercer,
Chaput,	(or Fraser)	* LeBreton,	Murray,
Cordy,	Johnson,	(or Comeau)	

Original Members as nominated by the Committee of Selection

*Carstairs, Chaput, Cordy, *Hays (or Fraser), Johnson, Keon, *LeBreton (or Comeau), Mercer, Murray.*

THE SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT**Chair: Honourable Senator Smith****Deputy Chair: Honourable Senator Nolin****Honourable Senators:**

Andreychuk,	* Hays,	Joyal,	Nolin,
Day,	(or Fraser)	Kinsella,	Smith.
Fairbairn,	Jaffer,	* LeBreton,	
Fraser,		(or Comeau)	

Original Members as nominated by the Committee of Selection

*Andreychuk, Day, Fairbairn, Fraser, Hays (or Fraser), Jaffer, Joyal, Kinsella, *LeBreton, (or Comeau), Nolin, Smith.*

THE SPECIAL SENATE COMMITTEE ON THE SENATE REFORM**Chair: Honourable Senator Hays****Deputy Chair: Honourable Senator Angus****Honourable Senators:**

Angus,	* Hays,	* LeBreton,	Segal,
Austin,	(or Fraser)	(or Comeau)	Tkachuk,
Chaput,	Hubley,	Munson,	Watt.
Dawson,		Murray,	

Original Members as nominated by the Committee of Selection

*Adams, Andreychuk, Angus, Austin, Bacon, Baker, Banks, Biron Carney, *Hays (or Fraser), *LeBreton, (or Comeau), Murray.*

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CANADA

Debates of the Senate

1st SESSION

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39th PARLIAMENT

•

VOLUME 143

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NUMBER 57

OFFICIAL REPORT
(HANSARD)

Wednesday, December 6, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday December 6, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

SEVENTEENTH ANNIVERSARY OF TRAGEDY AT L'ÉCOLE POLYTECHNIQUE

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, on December 6, 1989, the lives of 14 young women ended in tragedy at the École polytechnique in Montreal. On this National Day of Remembrance and Action on Violence against Women, first established in 1991, Canadians everywhere are asked to remember these young women, and we are also called to action.

[English]

We know that far too many women and girls in Canada face violence each and every day of their lives. This is unacceptable.

Canada's new government has taken steps, such as strengthening our justice system and supporting initiatives such as Sisters in Spirit, a program that seeks to end violence against Aboriginal women. We know that combating violence must be a collective effort.

[Translation]

Today's commemoration represents an opportunity for all Canadians, individually and collectively, to think about concrete measures that we can take to prevent and eliminate all forms of violence against women and girls. Honourable senators, let us strive to build a Canada in which our daughters, our mothers and our sisters can live without ever fearing violence.

[English]

Hon. Joyce Fairbairn: Honourable senators, today men and women across this country remember in sadness that we live in a society in which violence against women is a regular occurrence.

• (1335)

We did not choose December 6 as the day to focus on this issue. It was chosen for us 17 years ago when a deeply disturbed individual with a semiautomatic weapon broke into a classroom at L'École Polytechnique in Montreal, separated out the men, proclaimed his hatred for feminists and gunned down 14 young women before killing himself.

Most recently, on September 13, again in the city of Montreal, the whole country watched in horror, once again, as another place of learning, Dawson College, was invaded by a man with a

gun who shot 20 people, killing one — 18-year-old Anastasia Rebecca de Sousa.

These tragedies force us to remember not only the victims but the women who face violence in Canada every day, resulting in serious health, economic and social consequences for individual families and our entire society.

In 2004, Statistics Canada showed us that 51 per cent of all Canadian women have experienced at least one incident of physical or sexual violence since the age of 16. Earlier statistics show that 80 per cent of women with a disability will be sexually assaulted in their lifetime, and that among Aboriginal women the rate of abuse may be as high as 80 per cent.

These statistics do not tell the whole story. It is estimated that only 38 per cent of all incidents of spousal violence and only 8 per cent of sexual assaults are reported to the police. As well, women live every day with a threat that impacts their lives.

Public awareness of the problem has increased, and that is good. Increasing numbers of men across this country have actively taken up this cause, and that is good. In recent years, the government has taken a number of concrete steps towards such progress.

Legislation, honourable senators, is not enough. We must speak out to change the attitudes that produce violence against women as well as against men, children and seniors. Together, we must attack the economic and social problems that foster the kinds of fear, insecurity and ignorance that in turn breed anger, desperation and violence.

Although it is a painful symbol, we must remember those young women and their families, not only on December 6 and September 13, but every day because they are symbols of each and every individual in Canada who is threatened, abused or forfeits their life through violence.

As parliamentarians, we must send a strong signal and a clear message that we cannot, and will not, tolerate such acts against anyone in our society.

MR. WILLIAM GILKERSON

TRIBUTE

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to William Gilkerson of Martin's River, Lunenburg County, Nova Scotia.

On November 21 last, he was named the winner of the Governor General's Literary Award for Children's Literature (English) for his book, *Pirate's Passage*, which he also illustrated. A sailor, a noted artist, a scrimshander and a writer, Mr. Gilkerson drew upon his many experiences to create a book that the Canada Council for the Arts called "a challenging children's novel with a dangerous edge" and "a work of genius, a benchmark in Canadian literature."

My friend Bill's book also won the New York Library Association "Book of the Season" Award, Young Adult Book Category. Further, there are two competitive offers on his publisher's desk from Hollywood producers who want to make a movie out of *Pirate's Passage*.

We salute William Gilkerson for this well-deserved recognition, and we wish him well as his creative juices continue to flow.

[Translation]

OFFICIAL LANGUAGES

FRENCH LANGUAGE EDUCATION

Hon. Claudette Tardif: Honourable senators, several articles have appeared recently in our newspapers concerning the difficulties facing the field of second language education. Whether right here in Ottawa, or in Victoria or Nova Scotia, it seems that the challenges are much the same.

[English]

According to an article on November 22 in the *Chronicle Herald* in Halifax, the Annapolis Valley Regional School Board is considering consolidating its French immersion programs into fewer schools.

Right here in the nation's capital, according to an article in the *Ottawa Citizen* on November 21, the Ottawa-Carleton District School Board is studying the possibility of eliminating one or more of the three entry points into its French immersion programs.

• (1340)

[Translation]

Furthermore, according to a recent poll of 1300 teachers conducted by the Canadian Association of Second Language Teachers, many teachers across the country do not have access to sufficient pedagogical resources, computer software or an adequate quantity and quality of library resources.

Honourable senators, if it is true that French and English are Canadian languages, that linguistic duality is a fundamental value of this country, and that we wish to train a highly skilled and competitive workforce, should we not continue to encourage our children to learn French? Do you not think that every Canadian student should have access to courses in their second language?

If we are to believe the recent report prepared by Canadian Parents for French, it seems that there has been a negligible increase in enrolment in immersion programs across Canada, although there are exceptions such as British Columbia and Alberta. Should we not also endeavour to create more jobs for our bilingual youth who complete immersion programs?

Honourable senators, I hope that you will encourage your local decision-makers and school boards to keep up the good work and to continue supporting French immersion and second language programs.

[Senator Moore]

[English]

THE HONOURABLE MARIE-P. POULIN

CONGRATULATIONS ON BECOMING PRESIDENT OF THE LIBERAL PARTY OF CANADA

Hon. Vivienne Poy: Honourable senators, I would like to extend my heartiest congratulations to our colleague, and my seatmate, Senator Marie Poulin, who was elected President of the Liberal Party of Canada on Saturday, December 2.

I have no doubt that she will carry out her duties with all the energy and determination she applies to everything she does. We all know that the Liberal Party is at a crucial point in its history, and "renewal" is the word on everyone's lips. I am sure Senator Poulin, as president, will lead the party and tackle the many challenges that the party will face as it moves forward. Senator Poulin is a natural leader with the ability to bring people together for a common purpose.

This past weekend, we saw that the grassroots of the party want to be heard. There was a lot of energy and excitement at the convention as the Liberal Party delegates had a chance to make their will known through the voting process.

I know that the election of Senator Poulin is part of this process of engagement with the grassroots, as she is the kind of person who will listen. The party can benefit from the new ideas of the members, and I expect that Senator Poulin will welcome their input.

Let me say that I am proud that one of our colleagues has been chosen for this important position. I join with honourable senators in wishing her success with this new challenge. Given her personal and professional attributes, I know she is the ideal individual for this position. I am sure that I speak for many in this chamber in offering her my greatest support.

CONCERT ON THE HILL

Hon. Francis William Mahovlich: Honourable senators, I rise today to offer my congratulations to those who performed this past Monday at the Concert on the Hill that was organized by the Parliamentary Spouses Association, with great efforts by Ms. Kathy Hays. It was truly a wonderful event enjoyed by all.

Not only was the concert a great way to get into the holiday spirit, it was also a fundraiser for Roger's House, which provides pediatric palliative care with the objective of enhancing the comfort and quality of life for children and their families. Over \$6,000 was raised for this worthy cause.

• (1345)

I should like to give a round of applause to all the great acts, with a special tip of my hat to those from the Senate family who performed, particularly concert pianist André Sébastien Savoie, who is the husband of our Senator Andrée Champagne, and our very own talented "three tenors" — oops, I mean three senators. When I heard them singing, I told my wife they sounded like Peter, Paul and Mary. She said, no, it was Jean, Guillaume and Pierrette. Next year, I hope to add my own talents to the show!

[Translation]

Wednesday, December 6, 2006

ROUTINE PROCEEDINGS**INFORMATION COMMISSIONER**

CERTIFICATE NOMINATING
MR. ROBERT MARLEAU TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the certificate of nomination of Robert Marleau as Information Commissioner.

[English]

**NATIONAL DEFENCE ACT
CRIMINAL CODE
SEX OFFENDER INFORMATION REGISTRATION ACT
CRIMINAL RECORDS ACT**

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Wednesday, December 6, 2006

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

FIFTH REPORT

Your Committee, to which was referred Bill S-3, An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act, has, in obedience to the Order of Reference of Thursday, June 22, 2006, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

DONALD H. OLIVER
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Oliver, bill placed on the Orders of the Day for consideration at the next sitting of the Senate.

(For text of observations, see today's Journals of the Senate, Appendix, p. 894.)

CRIMINAL CODE**BILL TO AMEND—REPORT OF COMMITTEE**

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SIXTH REPORT

Your committee, to which was referred Bill S-213, An Act to amend the Criminal Code (cruelty to animals), has, in obedience to the Order of Reference of Tuesday, September 26, 2006, examined the said Bill and now reports the same with the following amendment:

1. *Delete clause 2, page 5.*

Respectfully submitted,

DONALD H. OLIVER
Chair

The Hon. the Speaker: Honourable senators, when shall this report, as amended, be taken into consideration?

Senator Oliver: Honourable senators, with the leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be taken into consideration now.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

On motion of Senator Oliver, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1350)

SCOUTS CANADA

**PRIVATE BILL TO AMEND ACT
OF INCORPORATION—REPORT OF COMMITTEE**

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Wednesday, December 6, 2006

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SEVENTH REPORT

Your committee, to which was referred Bill S-1001, An Act respecting Scouts Canada, has, in obedience to the Order of Reference of Thursday, October 26, 2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

DONALD H. OLIVER
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

[English]

On motion of Senator Oliver, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

THE SENATE

ROYAL ASSENT—NOTICE OF MOTION TO PERMIT ELECTRONIC COVERAGE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That television cameras be permitted in the Senate Chamber to record the Royal Assent Ceremony on Tuesday, December 12, 2006, with the least possible disruption of the proceedings.

ADJOURNMENT

NOTICE OF MOTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That when the Senate adjourns on Thursday, December 7, 2006, it do stand adjourned until Monday, December 11, 2006, at 6 p.m. and that rule 13(1) be suspended in relation thereto.

FIRST NATIONS JURISDICTION OVER EDUCATION IN BRITISH COLUMBIA BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-34, to provide for jurisdiction over education on First Nation lands in British Columbia.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, at the next sitting of the Senate.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORDINARY SESSION OF OSCE PARLIAMENTARY ASSEMBLY OF COUNCIL OF EUROPE, JULY 3-7, 2006—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the delegation of the Canada-Europe Parliamentary Association to the fifteenth annual session of the OSCE Parliamentary Assembly held in Brussels, Belgium, from July 3 to 7, 2006.

• (1355)

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET ON MONDAYS AND FRIDAYS DURING SITTINGS AND ADJOURNMENTS OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit anytime on Monday or on Friday even though the Senate may then be adjourned for a period exceeding one week; and

That the Standing Senate Committee on National Security and Defence have the power to sit on Mondays and Fridays even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

AGING

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Sharon Carstairs: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Special Senate Committee on Aging have the power to sit on Monday, December 11, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Translation]

YOUNG VOLUNTEERS

PRESENTATION OF PETITIONS

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I have the honour to present a petition signed by citizens from across Canada who are calling on Parliament to enact legislation or take measures that will allow all young Canadians who wish to do so to serve in communities as volunteers at the national or international levels.

[English]

Hon. Wilbert J. Keon: Honourable senators, I have the honour to present a petition from residents of Canada concerning young Canadians who wish to volunteer in communities at the national and international levels.

Hon. Terry M. Mercer: Honourable senators, I have the honour to present a petition signed by thousands of young Canadians from across Canada who are calling on Parliament to enact legislation or to take measures that will allow young Canadians who wish to do so to serve communities as volunteers at the national and international levels.

QUESTION PERIOD

THE CABINET

GOVERNMENT INITIATIVES TO COMBAT VIOLENCE AGAINST WOMEN— CUTTING OF LONG GUN REGISTRY

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate.

First, I wish to congratulate Senator Fortier and Senator Fairbairn, who so eloquently spoke on the important issue of violence against women on this very difficult day for many people, December 6.

As honourable senators know, today is the National Day of Remembrance and Action on Violence Against Women. It is a day when we remember the massacre that occurred at L'École Polytechnique in Montreal, where 14 women were targeted and murdered because they were women. This was a defining moment in a much larger struggle to end the senseless violence that continues to target women in our society.

Sadly, we were reminded of this terrible struggle women have even in my province. This year, more remains of vulnerable women were found on the Picton farm. Aboriginal women near Prince George were brutally murdered. My community in British Columbia was rocked when three South Asian women were brutally murdered. One of them was pregnant, and her charred remains have really changed the face of the issue of violence against women in my province.

Honourable senators, today is the day we remember what happened to the women in Montreal and to many women who have been murdered, but the time has come when we have to stop remembering and take action on this issue.

I know that the Honourable Leader of the Government in the Senate cares deeply about this subject. Can she tell us about her government's actions in this regard, particularly the efforts to dismantle the federal long gun registry, which even the police tell us is useful in protecting women who face violence?

Hon. Marjory LeBreton (Leader of the Government): I thank the Honourable Senator Jaffer for the question. I am sure not one of us will ever forget what we were doing the day of the horrific

tragedy at L'École Polytechnique in Montreal. I recall that it was an extremely cold winter day and I was working at the time as the deputy chief of staff to former Prime Minister Mulroney. I remember the horrified feeling that came over me when I watched the events unfold on that awful day.

• (1400)

Honourable senators, we agree with what the Prime Minister said earlier today, that violent crime in any form is unacceptable. We must renew our national resolve to prevent and eliminate violence against women.

The government takes the safety of our citizens, particularly women, seriously. We are working with the Status of Women Canada to support projects that will directly assist women in the communities where they live.

Minister Oda and Minister Prentice have programs to deal with violence in the Aboriginal community.

We are assisting the more vulnerable Canadian women.

In Budget 2006, the Finance Minister removed 650,000 low-income Canadians from federal tax roles. We are also putting more resources in the hands of parents. This money will support women in the workforce.

Minister Prentice is working on the issue of matrimonial property rights for women who live on reserves. This has not been done previously, and it will help move women into safer environments.

The previous Conservative government brought in the toughest gun-control laws in the history of this country. It was done in response to the tragedy at L'École Polytechnique.

Licensing and application measures are still in place for gun owners.

Statistics show that gun crimes committed in this country against women and society in generally usually involve illegally obtained handguns smuggled across the border.

The Dawson College crime was committed by a person who was deranged and had obtained the firearms through legal means.

Senator Jaffer: The Honourable Leader of the Government has not answered my question about the dismantling of the federal long-gun registry. Will the long-gun registry be kept in place?

Senator LeBreton: Honourable senators, it is clear people confuse the issue of strict gun-control laws with the long-gun registry. Hunters, farmers and people belonging to target-shooting clubs adhere to strict laws to obtain firearms. Those laws were brought in by a previous Conservative government.

As the Auditor General pointed out, the long-gun registry was a \$2 billion failed experiment. That money would have been better spent securing our borders and equipping our police. When this issue was before Parliament in the mid-1990s, I specifically said at the time that it would be better to spend this money on homes for battered women and more border security.

• (1405)

Honourable senators, the long-gun registry is not to be confused with our strict gun-control laws. The government has already made it clear that we agree with the Auditor General that the \$2 billion was not a good use of taxpayers' dollars. People who own long guns are responsible individuals.

I have mentioned to you I was raised on a farm. We had a long gun in our farmhouse. My father was a responsible long-gun owner and would never have abused the gun or left it available for improper use.

Therefore, the long-gun registry is not to be confused with the strict gun-control laws that we already have in this country.

Hon. Terry M. Mercer: Does the Leader of the Government in the Senate not find it a bit hypocritical that on this day, when we are honouring the memory of the women tragically killed at L'Ecole Polytechnique, Canada's new government continues to talk about the cancellation of the gun registry? Canada's new government has closed 12 offices of Status of Women Canada, when it is clear that women today are still at the same level of risk as they were when the shooting took place at L'Ecole Polytechnique.

Some people say this registry would not have prevented the tragedy at Dawson College, but prevention is a lot about perception. It is what government does that is perceived to help protect the citizens who are vulnerable in this country, and in the discussion we are having now, the protection of women who are vulnerable to the use of guns, whether handguns or long guns. Particularly, on this day I find it startling that we are still talking about the cancellation of the long-gun registry, and are allowing the closing of 12 offices of the Status of Women Canada.

Senator LeBreton: I thank the honourable senator for the question. The problem with the Liberals is that they create perceptions that are quite unlike reality. We are talking about this today because I have been asked a question on this issue. As a woman and a person much moved by what happened at L'Ecole Polytechnique, I do not need to take any lessons in perception of reality from Senator Mercer.

On the cuts to Status of Women Canada, we, as a government, will work with women where the programs will help women: not by having an administrative person sitting in an office monitoring or talking on a cell phone, as Senator Gustafson said.

We will direct money at the community level where it is required; where people live and work.

The perception that the long-gun registry has anything to do with our strict gun-control laws is something perpetuated by others. I wish to point out an important statistic: According to the Canadian Centre for Justice Statistics, nearly 7 million long guns are registered in Canada. Of the 549 murders recorded in Canada in 2003, two were committed with long guns that were registered.

• (1410)

Senator St. Germain: Smarten up, you Liberals.

[Senator LeBreton]

Hon. Jane Cordy: Honourable senators, I find it unusual that the Conservative solutions are to build more prisons and homes for battered women rather than caring and compassionate solutions. Their solutions are cutbacks, cutbacks, cutbacks for those who are most vulnerable. That is not my question, but I could not refrain.

HEALTH

PROPOSAL TO CREATE NATIONAL MENTAL HEALTH COMMISSION

Hon. Jane Cordy: My question is directed to the Leader of the Government in the Senate. On October 26, I asked the leader a question about an extremely important initiative. I asked her if and when this government plans to establish a Canadian mental health commission. I know that the former Liberal government and former Health Minister Dosanjh were committed to establishing the commission, and I know that the leader is personally in favour of the commission.

It has been over one year since the Standing Senate Committee on Social Affairs, Science and Technology released this proposal and, believe it or not, it is getting close to one year since the Conservatives formed the government.

When I last raised this issue to the minister in October, she said that she would forward her arguments to the Minister of Health. I will ask the question again because I so firmly believe in it. I do hope that her arguments to the minister were successful.

Does the government plan to establish a Canadian mental health commission as recommended by the Standing Senate Committee on Social Affairs, Science and Technology? If the answer is yes — and I dearly hope it is — when will this commission be established?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the recommendation of the Senate committee was very important. During the election campaign in January, we committed to establishing a mental health commissioner. As the honourable senator knows, we are working toward living up to all of our campaign commitments. The creation of a mental health commission is receiving urgent attention from the Minister of Health.

When the Minister of Health is in a position to do so, he will make an announcement. I will not presuppose anything he may say.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—FIRING OF PRESIDENT AND CHIEF EXECUTIVE OFFICER

Hon. Lorna Milne: Honourable senators, my question is directed to the Leader of the Government in the Senate. Last week, it was reported that the Minister of Agriculture plans to remove Mr. Adrian Measner as CEO of the Canadian Wheat Board unless he provides reasons why he should not be terminated. This unilateral firing is being done even though Mr. Measner has the support of the 14 other board of directors who elected him as CEO in 2002 and again in 2005.

It is clear from Minister Strahl's decision to send a notice of termination before consulting with the board of directors that he does not care about the views of the 85,000 Canadian farmers who elect a majority of that board's members. It is also clear from his actions that he has no regard for the health of the Canadian Wheat Board, preferring to watch it die a death of a thousand cuts.

This is the latest in a constant barrage of edicts from the office of the Minister of Agriculture designed to destroy the competitiveness of the Canadian Wheat Board. This week, the chair of the Wheat Board is being forced to defend himself here in Canada when he is supposed to be in Japan selling Canadian wheat on behalf of those 85,000 Western farmers.

Why is the government, through its Minister of Agriculture, choosing this approach to undermining the effectiveness of the Canadian Wheat Board?

• (1415)

If the government wants to destroy it, why not be upfront about it and let the wheat growers themselves decide its fate through a plebiscite, or through Parliament by introducing a clearly written piece of legislation?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question.

The government remains committed to implementing marketing choice for Western Canadian wheat and barley producers. Grain producers should be able to decide for themselves if the Canadian Wheat Board marketing is beneficial to them. We campaigned on marketing choice. We never said the Canadian Wheat Board would no longer be an entity; we simply believe in marketing choice. Farmers who produce wheat and barley will have the choice of selling it directly to market or through the Canadian Wheat Board.

With regard to the CEO of the Canadian Wheat Board, this person is not elected by its directors. This person has always been an at-pleasure government appointment.

Minister Strahl and I have said on many occasions that our government is committed to moving forward in an orderly fashion on our campaign commitment to provide marketing choice for Western farmers. As the honourable senator already knows, there will be a plebiscite for barley producers early in the new year.

Senator Milne: Honourable senators, I agree with the Leader of the Government in the Senate that farmers should be able to decide for themselves, but from this perspective, it appears that the Minister of Agriculture is making Mr. Measner the victim of a Conservative vendetta simply because he has done his job well and has a long and honourable history in that job. To say this matter reflects poorly on the Minister of Agriculture would be the ultimate understatement. With so many other important issues to address within the Canadian agriculture industry, why would this government spend its energies on attempting to disband what has proven to be an effective vehicle for Canadian farmers when it has absolutely no mandate from the electorate to do so?

Senator LeBreton: Honourable senators, we do have a mandate. It was clear in the last election that we campaigned on marketing choice and, as my colleague, Senator Tkachuk, says, we were successful in those ridings.

We are talking about marketing choice. We are not talking about disbanding the Canadian Wheat Board. If farmers decide that they want to continue to sell their wheat through the Canadian Wheat Board, that is their choice. If they decide they want to sell it directly to market, that is their choice as well. It is simply a question of providing choice in this new era. The Canadian Wheat Board has been around for a long time. Because something has been around for a long time does not necessarily mean that it should be the same forever.

Having said that, the government has never said that we will disband the wheat board. We simply said that we will provide marketing choice for our Canadian wheat and barley producers.

Senator Milne: Honourable senators, perhaps the Leader of the Government in the Senate can explain why Art Macklin, a Canadian Wheat Board director for northern Alberta, said last Friday in Mr. Measner's defence: "Our farmer-elected board of directors selected Mr. Measner and he has been performing in an excellent manner on behalf of the organization."

Why fire him?

Senator LeBreton: Honourable senators, obviously, this gentleman has one opinion, and others on the Canadian Wheat Board, the minister and many farmers have another. Far be it from me to choose one person's opinion over another's because everyone has a right to an opinion.

Senator Mercer: Not next time. Better say goodbye to them now.

CANADIAN WHEAT BOARD—
PROPOSAL TO MAKE ORGANIZATION
SUBJECT TO ACCESS TO INFORMATION

Hon. Grant Mitchell: Honourable senators, under Bill C-2, the government will require or subject the Canadian Wheat Board to access to information legislation, meaning that the wheat board will be subject to revealing information that could make it uncompetitive — information that would be valuable to its competitors.

This requirement suggests that the government does not only want to open the Canadian Wheat Board to competition; in fact, the government wants to make it impossible for the Canadian Wheat Board to compete at all.

• (1420)

If they end up proceeding with this initiative, has the government given any thought to requiring that Cargill, ADM, and any number of other multinational competitors of the Canadian Wheat Board be subject to access to information to level the proverbial playing field?

Senator Mercer: Good idea!

Hon. Marjory LeBreton (Leader of the Government): I will not comment on Senator Mitchell's speculation about what might develop from an access to information request.

Senator Gustafson: It is a hypothetical question.

Senator LeBreton: My honourable friend is quite right; it is a hypothetical question.

Yesterday, at the latest round of Legal Committee meetings on the message regarding the accountability bill, the Assistant Information Commissioner said that the government was right. He supported the government in its desire to include the Wheat Board under access to information.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

PROPOSAL TO EXTEND EMPLOYMENT INSURANCE BENEFITS TO CAREGIVERS

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate. Both men and women, and sometimes quite young children, provide care for those in their family who are suffering from chronic disease or are in the last stages of their lives. The vast majority of caregivers in this country are women. I want to congratulate this government because it broadened the definition of the compassionate care benefit, and many Canadians, including myself, are extremely grateful for that expansion. However, that recommendation for expansion was just one of a number of recommendations made by the review committee. One of the other recommendations was that the number of employment insurance weeks of paid benefits be increased from six weeks to 16 to 20 weeks, as that would be much more appropriate for the needs of family members.

Can the Leader of the Government in the Senate tell this house today when we can anticipate that the number of EI weeks will be increased?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the honourable senator for her valid and proper question. I will take it as notice and get back to her with a response as quickly as possible.

Senator Carstairs: The other recommendation was for a change in the definition. Many Canadians simply cannot deal with the fact that their loved one may be in danger of death within six months. This is the case particularly with respect to children. Can the Leader of the Government in the Senate indicate when her government will make a recommendation with respect to changing that wording so that more Canadians will feel comfortable applying for this benefit?

Senator LeBreton: I totally agree that this situation is something that especially young children cannot even comprehend. As with the honourable senator's very reasonable first question, I will take the second question as notice and provide an answer at the same time.

HEALTH

NATIONAL STRATEGY ON PALLIATIVE CARE

Hon. Sharon Carstairs: Honourable senators, my final question concerns a motion passed by this chamber. Would the government leader take a recommendation to the Minister of Finance asking that as he prepares his new budget, he provide

funding for a national strategy on palliative care? They have done it for cancer, and I congratulate them. However, Canadians die of much more than cancer. We need a national strategy on palliative care if we are to have end-of-life quality care for all dying Canadians.

Hon. Marjory LeBreton (Leader of the Government): On the issue of palliative care, there is probably no parliamentarian who is more committed than the honourable senator. I would be happy to present the Minister of Finance with the motion that was passed in this place.

HERITAGE

CANADA POST—POSTAL SUBSIDY FOR PUBLICATIONS

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate. To the dismay of many Canadian publishers, especially small publishers, it has been learned that Canada Post plans to stop contributing about \$15 million a year to Heritage Canada's Publications Assistance Program. It is one of the oldest and probably one of the most effective support programs Canada has for cultural and information activities. The program consists of subsidizing the postal rates that would otherwise be paid in full by Canadian publications, hundreds of magazines and hundreds of small newspapers, particularly small, community newspapers, which are such an important feature of small-town, rural life in Canada. Those small newspapers are part of the fabric of those communities.

• (1425)

The postal subsidy can contribute — depending on the nature and size of the publication — anywhere from 30 to 60 per cent of the postal costs. Again, particularly for the small publications, the postal costs are very important, and postal distribution is their main avenue of distribution.

Therefore, when Canada Post announces that it will withdraw what amounts to 25 per cent of the total funding of the program, there will be an extraordinary cry from those affected asking the government to please step in.

I suspect the minister may be getting ready to answer, "We were not the first ones to cut this program. The Liberals did, too." Let me beat the honourable leader to it: The Liberals, in my view, made a mistake.

Senator Mercer: Liberals made a mistake?

Senator Fraser: Yes, they did. We told the Liberals that in a committee report signed by members on both sides of this house.

I would hate to see the Conservative government not only repeat that mistake but intensify it with what amounts to an even greater cut. I know Canada Post is not the government, but the government is being asked to produce what is a very modest amount of money with a huge impact.

Can the Leader of the Government in the Senate give us any assurance that this will, therefore, happen?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. I was not intending to state what Senator Fraser was expecting, so I am glad she put it on the record.

As the honourable senator would understand, this is a matter of great concern to many Canadians. Having been born and raised in a rural community, where we relied on farm periodicals and weekly newspapers that were read from cover to cover, I can understand the concern.

Our government supports the publication assistance program and is committed to the magazine, periodical and community newspaper industry. Our Canadian Heritage Minister, the Honourable Bev Oda, and the Minister of Transport and Infrastructure, the Honourable Lawrence Cannon, are actively working together to find a solution in order to continue to support this very important Canadian industry.

ROYAL CANADIAN MOUNTED POLICE

RESIGNATION OF COMMISSIONER

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, while I am on my feet, I want to report to the house that Commissioner Zaccardelli of the RCMP has resigned and that, a few moments ago, the Prime Minister accepted his resignation.

Senator Fortier: I think you have taken the air out of her supplementary.

Hon. Joan Fraser (Deputy Leader of the Opposition): No, no. The resignation of —

The Hon. the Speaker: Honourable senators, the time for Question Period has been exhausted. We are on house business. Do you have anything to add to house business, Senator Fraser?

Senator Fraser: With my leader being in conference a few chairs away, let me just say that obviously the resignation of the commissioner of the RCMP is far too important a matter for an instant response. I certainly thank the Leader of the Government for informing this chamber so quickly.

While I am on my feet, let me thank her for her response to my question about the postal assistance program and say that I await rapid and very constructive news.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table delayed answers to an oral question raised by Senator Grafstein on November 22, 2006, in regard to British Columbia — Report on the State of Drinking Water in the Lower Mainland, and to a question raised by Senator Campbell on November 23, 2006, in regard to funding for a pilot project for a medically supervised injecting site.

HEALTH

BRITISH COLUMBIA—REPORT ON STATE OF DRINKING WATER IN LOWER MAINLAND

(Response to question raised by Hon. Jerahmiel S. Grafstein on November 22, 2006)

This study was conducted in the Greater Vancouver Regional District (GVRD) under the leadership of Health Canada's Population and Public Health Branch, now the Public Health Agency of Canada, and in partnership with academia and the Vancouver/Richmond Public Health Board. The study findings have been posted on Health Canada's website since the report, "Drinking Water Quality and Health Care Utilization for Gastrointestinal Illness in Greater Vancouver", became available. The study was a contributing factor in the decision made by the Greater Vancouver Regional District to install an ozone disinfection plant in 2000 and build a filtration plant. The filtration plant is presently under construction and will be in operation starting in 2008-09.

At the time of the study, the GVRD relied on watershed protection and chlorination to safeguard drinking water quality, an approach that prevents most but not all disease-causing organisms from reaching the consumer. The study was designed and conducted to confirm an association between turbidity levels in drinking water and gastrointestinal illness in consumers. It did find evidence that elevated turbidity levels present in each the GVRD's three drinking water sources contributed to gastroenteritis among residents.

The recent boil water advisory in the GVRD was issued to prevent an increase in gastrointestinal illness related to increased turbidity levels. Symptoms, if any, would take several days to appear in the population.

Although the department has not conducted subsequent research in this area in the GVRD, Health Canada did work in collaboration with the provinces and territories to strengthen the Guideline for Canadian Drinking Water Quality for turbidity. Health Canada continues to conduct research related to drinking water contaminants and their potential effects on human health.

FUNDING FOR PILOT PROJECT FOR MEDICALLY SUPERVISED INJECTING FACILITY

(Response to question raised by Hon. Larry W. Campbell on November 23, 2006)

The initial research that has been completed to date has raised some new questions regarding the effectiveness of the supervised injection site in Vancouver's Downtown Eastside. In fact, there is still much more that can be learned about these sites and the issue of injection drug use.

The Minister of Health believes further research is needed to determine how these sites affect crime, prevention and treatment before an informed decision can be made about the future of supervised injection sites in Canada.

For this reason, the Minister of Health has instructed his officials to initiate a process whereby the advice of external experts in areas such as public health, epidemiology, criminology, law and ethics, addictions, and evaluation can be utilized to develop research questions.

Through an open bidding process, proposals will be sought from researchers knowledgeable in prevention, treatment and crime. This will be an open and transparent bidding process, aimed at garnering the best possible evidence to foster decision making.

This is an important public policy issue and the answers to these research questions will provide the Minister with information that can be used as part of the decision-making process.

Steps are underway to initiate this research, which will be led and funded by Health Canada, and to ensure that it is done in a timely fashion to inform the Government's future decisions.

filed in the spring. The normal cycle for financial matters is from the first of April of one year to the end of March of the following year, running over two years; each fiscal year then starts April 1. The main estimates are made available for review prior to the beginning of a new fiscal year. Typically, an interim supply bill takes us to June, and then in June we have full supply based on the main estimates.

Because of the change of government that took place in the spring of this year, the same cycle was not followed. In fact, the full supply based on the main estimates is now before you in Bill C-38, which I hope to be speaking on later today.

In addition to that, the supplementary estimates, which normally appear about this time, late November or early December, have been delivered, and they deal with new matters, matters that were not fully developed at the time of development of the main estimates.

Honourable senators, the Standing Senate Committee on National Finance is a diligent and hard working committee. I should like to thank all the members of that committee for attending and participating effectively on your behalf in dealing with representatives of the Treasury Board Secretariat. Members of the committee, including the deputy chair, Senator Nancy Ruth, questioned Treasury Board Secretariat representative Mr. David Maloney, who is Senior Assistant Secretary, Expenditure Management Sector, and Ms. Laura Danagher, Executive Director, Expenditure Operations and Estimates Division, also with the Expenditure Management Sector.

These officials appeared to explain changes in the government's spending plans, contained in Supplementary Estimates (A). We had an opportunity to question them extensively on the issues.

Each year, the federal government tables Part I and Part II of the estimate documents. The government expenditure plan appears in Part I; Part II is the Main Estimates.

Honourable senators, as an overview of these Supplementary Estimates (A), which we now have before us, I propose to give you a bit of a background on terminology, which is a helpful exercise when we are going through the estimates.

Budgetary expenditures and non-budgetary expenditures are the first two terms I shall describe. Budgetary expenditures refer to spending initiatives, such as cost of servicing the public debt, operating and capital expenditures — the typical kinds of expenditures that you would expect.

Non-budgetary expenditures refer to loans, investments and advances — outlays that change the fiscal relationship of the government but not spent for the purposes of operations or that type of thing.

Voted expenditures and statutory expenditures are the other two terms I should like to describe. Voted expenditures are those for which "parliamentary authority is sought through an appropriation bill." In other words, if we do not pass Bills C-38 and C-39, which are before us, the government will not have the funds to conduct its business.

• (1430)

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that, when we proceed to Government Business, the Senate will begin with Item No. 1, under "Reports of Committees", followed by all other items in the order in which they stand on the Order Paper.

[English]

THE ESTIMATES, 2006-07

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on National Finance (Supplementary Estimates (A) 2006-07), presented in the Senate on November 29, 2006.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, this report has been in our hands for approximately one week. I would propose, honourable senators, to go through the report briefly, to bring the chamber up to speed on what our committee has been doing on behalf of honourable senators, specifically with respect to Supplementary Estimates (A). Honourable senators will have received in their offices some time ago Supplementary Estimates (A) 2006-07, which is a blue book.

Supplementary estimates, honourable senators, deal with matters that were not fully developed at the time of the main estimates or with new initiatives since the main estimates were

[Senator Comeau]

Statutory expenditures appear in the estimates. They are there for information purposes. We have already voted on authorizing the executive to expend those funds. Statutory expenditures appear in the estimates to help us understand the full financial picture of the government. Hence, we have voted expenditures, which honourable senators, I hope, will authorize in the next day or so, and statutory expenditures.

In these Supplementary Estimates (A), the total amount of budgetary expenditures, that is both voted and statutory, is \$9.2 billion. That is an amount in addition to what was in the main estimates previously. These budgetary expenditures represent new commitments made by the current government in the May 2006 budget, subsequent decisions the government has taken and policy initiatives from previous budgets that have been reconfirmed by the current government. We will vote for \$5 billion of that, and there is \$4.2 billion of statutory spending. They are outlined here, as I indicated, for the information of honourable senators. Hence, roughly \$5 billion is to be voted, \$4 billion statutory, for a total of \$9 billion in round figures.

With respect to the major changes in budgetary spending, there are four key government commitments that amount to almost half of those additional expenditures.

The first commitment is the Universal Child Care Benefit program introduced by this government, and there is a \$1.6 billion statutory already approved expenditure in that regard. For defence spending, there is almost \$1 billion, \$955 million, and that is voted. Honourable senators will be voting on that. The Canadian Agricultural Income Stabilization program, another established program, is statutory and almost \$1 billion, \$873 million. Finally, honourable senators, there are transfers to provinces and territories for early learning and child care programs, \$650 million.

Honourable senators, we discussed items like expenditure restraint initiative, a new federal government initiative. The officials of the Treasury Board Secretariat outlined to the committee the expenditure restraint initiative that was first announced in the budget of 2006 this spring. The strategy is to secure \$1 billion in savings over two fiscal years, this fiscal and next fiscal year.

• (1440)

It was pointed out that the savings are being achieved through a combination of tighter management of spending and identification of savings from government programs. I will mention shortly some government programs that have helped contribute to the savings.

These supplementary estimates include \$223 million of these estimated savings. Of the \$1 billion over two years in estimated savings, these supplementary estimates identify \$223 million. They are shown as separate items because the reductions are to programs or activities for which the government had initially requested spending. Once they request spending, they must ask for approval to cancel it. The government is required to return to Parliament to indicate that the amounts previously authorized will not be spent as originally indicated.

Reductions, therefore, are important for us to look at. Here are some of the areas where the government will not spend what it previously indicated it would: The Department of Health,

\$17.6 million; Human Resources and Skills Development Canada; \$22 million; Canada Mortgage and Housing Corporation, \$30 million; Treasury Board Secretariat, almost \$21 million; Statistics Canada, \$15 million; and Industry Canada and various programs there, \$28 million.

The balance of the two-year spending restraint exercise, almost \$777 million, represents funding that may have already received cabinet and Treasury Board approval, but has not yet been included in any appropriation bills before us. The details on the balance will be reflected in future estimates or in reductions in planned spending not yet in departmental reference levels. We will keep an eye on that, honourable senators, on your behalf.

The committee members highlighted two programs that have been identified under the expenditure restraint initiative, one being the Canadian Firearms Program and the other, funding to the Status of Women Canada. Treasury Board Secretariat officials confirmed that \$3 million from the Canadian Firearms Program has been identified in these supplementary estimates as part of expenditure restraint. However, the administrative savings identified by the government in September of this year in the Status of Women Canada are not included in these supplementary estimates. We anticipate that we will see those savings in further supplementary estimates.

Some senators questioned the relationship between the savings under the expenditure restraint initiative under this current government, and the savings identified by the Expenditure Review Committee — expenditure restraint, current administration, and Expenditure Review Committee, previous administration — in the 2005 budget. David Moloney clarified that the current initiative is a new one. The savings identified in Budget 2005, a total of \$11.9 billion over five years, have already been removed from departmental reference levels. Thus, the expenditure restraint amounts highlighted in these supplementary estimates are over and above the amounts announced in the previous government's Expenditure Review Committee of 2005.

I will touch briefly on other areas that may interest honourable senators. The first is regional responsibilities. We found it interesting that when a minister is given regional political responsibilities, it is charged to the department that the minister represents, as opposed to being shown somewhere else, such as in the Prime Minister's office expenditures.

We did, however, support the concept of transparency and openness because it is a separate item. As long as we know who the regional minister is for our area, we can go to the supplementary estimates or to the Main Estimates and if we know what department the minister represents, we can find out the cost of operating the political office for that particular area.

The Lebanon evacuation is another area that we questioned. It was made clear to us that there is not a full picture yet on the cost of the Lebanon evacuation. There is \$63 million listed in supplementary estimates. However, it was suggested that other charges may well be forthcoming and requested under Foreign Affairs and International Trade Canada, as well as other amounts in departments such as Canadian International Development Agency, the Department National Defence and Citizenship and Immigration Canada. We have asked what we call a horizontal listing to be initiated in the estimates. When there are expenses in

various departments, we have asked that they all be picked up so we can easily find them. That horizontal listing is helpful in finding the full cost of an initiative. That was not something that had been there previously and our committee had been urging this listing for some time.

With respect to the Department of National Defence, honourable senators, there is an interesting change as a result of the government moving from a cost-based or a dollar-based analysis of accounting to an accrual basis. The change has some impact on the numbers that you see. Since we are in a transition period, some confusion still exists.

In the 2005 budget, there was a commitment to \$12.8 billion in funding for the Department of National Defence budget over five years. Honourable senators will remember that the Conservative government in the spring budget committed another \$5 billion. We have been asking for some time if that money is new or whether it is part of the earlier government's money. Honourable senators, it turns out that we cannot add the two of them because of this change.

Honourable senators, I draw your attention to a number of other points in the report. I would be pleased if any of you were anxious to come to our committee at any time and raise issues. We have a continuing mandate from the chamber to deal with these estimates, and your committee is hard at work on the estimates. I would respectfully request that honourable senators accept and adopt this report, which has been unanimously accepted by our committee.

[Translation]

Hon. Eymard G. Corbin: Will Senator Day take a question?

Senator Day: Yes.

The Hon. the Speaker: Honourable senators, Senator Day must seek leave for more time.

Senator Day: Honourable senators, I would like your leave to take the senator's question and I therefore request additional time.

The Hon. the Speaker: Honourable senators, is leave granted for an additional five minutes?

Hon. Senators: Agreed.

[English]

Senator Corbin: In his report, with respect to the Lebanese evacuation, Senator Day spoke about the horizontal reporting. On page 11 of the English text, it is stated that Treasury Board officials offered two options to address the issue of reporting full costs for operations such as that because of the involvement of other departments, which Senator Day named in the course of his presentation.

However, I am puzzled that there does not seem to be a solution to the conundrum. The officials from Treasury Board said there would be two options to address this unknown; but I wonder if, in

fact, the committee has any power to insist with the officials that they report in a certain way and not send parliamentarians around the post trying to find out the total costs.

I find the answer of the officials that you have reported to lead nowhere. I would like to quote the last sentence of the paragraph:

The second option would be for parliamentarians to examine the information found in the departmental performance report of the lead department involved in a horizontal initiative to piece together the total cost of a certain initiative.

I do not think it is for parliamentarians to piece these facts together. It is for officials to table them. What is the honourable senator's response?

• (1450)

Senator Day: I thank the honourable senator for the question. It gives me the opportunity to highlight one of the horizontal initiatives that the committee requested. Honourable senators will understand that this problem occurs when expenditures on an initiative appear in more than one department. In such cases, the expenses are brought together in a separate section for inclusion in the Supplementary Estimates (A).

The problem discovered by the committee during its deliberations was highlighted in the report. Treasury board has implemented the horizontal initiative only for expenditures for part of the fiscal period reported. With respect to Supplementary Estimates (A), the horizontal initiative reported for the Lebanon evacuation applied only to the period from March-April to November.

The committee asked officials whether the other expenditures should be reflected as well but because those expenditures had not been posted yet, they will be reflected in a later document, Supplementary Estimates (B), which will come forth in March 2007. However, it is not the usual practice of Treasury Board to return to expenditures in that fiscal year that had been reported earlier. The committee questioned officials about this conundrum and advised that it would like to compare the expenses from year to year to simplify patching the information together. That was the request of the committee to officials. It was suggested that the committee review departmental performance reports to try to patch the information together but I am confident that Treasury Board officials will comply with the request of the committee to reflect, year-to-year, a full initiative in a horizontal manner.

Hon. Hugh Segal: Would Senator Day take a brief question?

Senator Day: I would be pleased to try to answer Senator Segal's question.

Senator Segal: I have been listening to the honourable senator's thoughtful response to Senator Corbin and the notion that if Treasury Board reported in the same way on a regular basis it would be easier for parliamentarians to examine comparable numbers. This place gave unanimous consent at second reading to Bill S-217, which would impose that obligation on all federal government departments and Crown corporations. While I do not

[Senator Day]

want the Finance Committee to hold up the adoption of these important public finances today, the committee does have the authority to consider Bill S-217 at an appropriate time and make recommendations to Her Majesty with respect to the deployment of those rules. I would ask what is the disposition of the honourable senator on that matter?

Senator Day: I thank Senator Segal for his question. I have made note of his comment and question on my blue copy. The committee would be pleased to consider Bill S-217 in light of how it affects these initiatives taken over a number of years. All honourable senators know that supply is important to the government and that the committee has a continuing mandate to study this supply, even following the adoption of the supply bills.

The Hon. the Speaker: It was moved by the Honourable Senator Day, seconded by the Honourable Senator Furey, that this report be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

APPROPRIATION BILL NO. 2, 2006-07

THIRD READING

Hon. Nancy Ruth moved third reading of Bill C-38, for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007.

Hon. Joseph A. Day: Honourable senators, I do not intend to speak at length to the bill. Honourable senators will be aware from the deliberations yesterday that the house will proceed directly from second reading to third reading with respect to supply bills, having had the advantage of studying the estimates previously. With respect to the Main Estimates, the typical full supply would be in late June before the house adjourns for the summer. However, because of the change of government, interim supply to November was done, which was nine-twelfths of supply. It was an unusual way to proceed but now the supply cycle is coming to completion with respect to the Main Estimates for the period from now until March 31, 2007. Honourable senators are aware that the next bill deals with supplementary estimates, which are new initiatives during the year. Currently, we are dealing with Bill C-38, which follows the earlier interim supply bill, Bill C-8, that we dealt with in June.

In addition to questioning specific departmental expenditures and various line items, the committee checks to ensure that the schedule attached to the bill is the same as the schedule attached to the estimates, which was pre-studied. I confirm that the committee has done that. Bill C-38 provides for the release of the balance of supply for the 2006 and 2007 Main Estimates. I urge honourable senators to support the bill as presented.

Hon. Daniel Hays (Leader of the Opposition): Would Senator Day take another question?

Senator Day: Yes.

Senator Hays: My question pertains to the honourable senator's speech on Bill C-38, to the recent economic statement by the Minister of Finance on the objective of reducing the net debt-to-GDP ratio and to the honourable senator's comments on the adjustments being made in public accounts to adapt to a modified accrual accounting structure. I believe the move to a modified accrual accounting structure arises out of an earlier recommendation from the Auditor General.

Can the honourable senator be helpful and explain how this adaptation to modified accrual accounting for public accounts might affect the definition of, or what is now, the net debt being used by the Minister of Finance?

Senator Day: I thank Senator Hays for his question but my response might not be particularly helpful. Treasury Board officials were queried in this regard. The committee had difficulty understanding the impact on financial statements as they go through the transition. Part of the problem is that much of the reporting, such as budgetary, is still done on a cash basis, whereas some reporting is done on the accrual basis as the transition to the new system of accounting slowly takes place. I highlighted the difficulty with respect to the Department of National Defence, where \$12.8 billion was promised by the previous government, and the current government has said that it will honour the amount and up it by \$5.3 billion. It should be possible to add \$12.8 billion and \$5.3 billion and get \$18.1 billion. However, officials said that could not be done because of the transition. I will read from page 7 of the report:

Mr. Moloney indicated that this reconciliation is complicated given that there are new government accounting practices. Therefore, these two amounts cannot be added one to the other. He explained that a number of years ago, the government moved to accrual accounting for the purposes of overall fiscal framework.

Government is already committed to that system but the transition is incomplete.

However, budgets and parliamentary appropriations are still largely based on a cash method of accounting. The \$12.8 billion provided in the February 2005 Budget was the amount of cash outlays that were being committed. In contrast, the May 2006 budget amount of \$5.3 billion represented the actual budgetary amounts over five years. The \$12.8 billion represents a cash outlay to cover \$7 billion in budgetary spending....

That was Mr. Moloney's explanation. The committee has additional work to be done on the reconciliation but two promises cannot simply be added to come up with the figure that most people would expect.

• (1500)

Hon. Grant Mitchell: Honourable senators, I wish to make several points about this funding bill — far more to deal with what is not in the bill than what is in it. I am struck by what the bill fails to do, far more than anyone could actually be inspired by what it tries to do.

First, and a priority concern of mine, is the fact that the bill embodies cuts to women's programs. Just as an aside, we have heard confusing and conflicting comments from the government. Originally, we understood that these cuts were part of the

\$1 billion of expenditure reductions the government had promised it would find and presumably had found. Part of that \$1 billion cut was cuts to women's programs. However, on Monday, in the other place, what we saw and what we heard in response to a question by our new leader on that very issue was the Prime Minister saying, no, they have just reallocated this money so that it will be more effectively utilized. In fact, the Leader of the Government in the Senate today said the same thing.

The obvious questions, honourable senators, are these: Which explanation is the correct one? Where are we being misled? Are we being misled in this document, or are we being misled in the announcement some weeks ago of where the cuts were found — the \$1 billion? Are we being misled in the assertion that this money has been applied "more efficiently"? I should like to see that clarified.

Honourable senators, it is interesting that today, on the anniversary of the Montreal massacre, we would be debating a bill that actually cuts programs to women — programs that are critical to one of the areas that remain an area of inequality in our society and as such diminishes the overall quality, spirit and depth of our society.

I wish to quote from the "Activities Update" of the P.E.I. Advisory Council on the Status of Women. The article I shall quote was written by Kirstin Lund and contains a quote from Bev Oda, the Minister Responsible for the Status of Women, who has indicated that "the reason for the cuts to women's programs is that "the new government of Canada fundamentally believes that women are equal." Well, the new Government of Canada fundamentally believes that there is not really climate change. It fundamentally believes any number of things. That does not make it reality: Ms. Lund goes on to say — and she is referring here to the statement by Bev Oda:

That statement is staggeringly unbelievable. If Canadian women are equal, how is it that they made just 62 per cent of men's incomes in 2003....If Canadian women are equal, why is it that 43 per cent of all children living in poverty live with a single mother? If Canadian women are equal, why are there over six times as many female victims of sexual assault as male victims? Why are female victims of spousal violence more than three times as likely as male victims to fear for their lives? And why do women make up 84 per cent of all victims of spousal homicide?

The amount of money that the government cut in this case is hardly significant in the context of the huge amounts of money that it spends, but it is very significant in the context of the contribution that it made to righting the inequality issues that face women every day in this society and that were so glaringly evident in the Montreal massacre on December 6 years ago.

Second, I should like to emphasize my concern that this proposed funding legislation aids and abets the breaking of laws. The fact of the matter is that there are cuts here that should have been accompanied by repeal of legislation, cuts to programs that are established in legislation, but rather than facing it head on with real political courage, rather than addressing the issue, the government simply cut the money.

This is a government that talks about being hard on crime, being tough on crime and obeying the laws. There are a litany of laws that this government has failed to obey and continuously breaks. The government should understand that often leadership by example is an effective way to express policy initiatives and policy concerns.

I am also concerned that the bill before us embodies a reduction to the quadrennial commission's recommendation for pay to judges. There is an important principle at stake here, namely, judicial independence. While there may be some reasons why the quadrennial commission was incorrect, the one that the government gave was not correct in turn.

The government said that the financial context within which the quadrennial commission's pay recommendation was made was one of tight fiscal demands; however, honourable senators, the recommendation was made at a time when the surplus was projected to be \$3 billion. By the time the government introduced Bill C-17, the surplus had risen to \$13.5 billion.

The principle at stake here is judicial independence. The quadrennial commission was established to ensure judicial independence in coming up with pay recommendations for the judiciary. My concern is that there is one reason, and one reason alone, that this government has cut the recommendation of the commission by upwards of a third, and that is because the government does not like the idea of "judge-made law." That very assertion on the part of the government simply underlines its misunderstanding of the judiciary, and for that matter many of the other institutions of our government — institutions that are unparalleled, unequalled, admired and emulated around the world. Our judiciary is one of the best judiciaries in the world. It is one of the fairest and best judicial systems on the face of the earth, and that was a cheap shot to make a cheap point.

The fact that the literacy cuts are embodied in this bill concerns me. Again, that action underlines the predisposition, the propensity, for this government to cut, to attack, to undermine the weakest in our society. Lack of literacy affects some of the people who have the least influence in our society. Lack of literacy can, in particular, affect women, immigrant women, such that they end up locked in their homes because they do not have the chance to learn English and become fully functioning members of society.

Lack of literacy also — and this should be something that particularly perturbs a Conservative government — affects productivity, because there were upwards of 42 per cent of adult Canadians who are not adequately literate to fully and productively contribute and participate in our economy. I am disturbed that the bill before us contains cuts to literacy programs.

Clearly, there have been massive cuts to the environment, to Kyoto programs, and again I find that we have been misled. The government, the minister, the leader here have said that somehow our Kyoto programs were inefficient, and yet there is clear documentation from the Department of Natural Resources indicating that in fact these programs were very efficient. Ironically, a government that would criticize the former government for not doing enough on Kyoto has answered that criticism by doing far less — in fact, all but nothing.

I am concerned that the Kelowna Accord and funding for that accord is not in this document. Once again, this is a government finding resources on the backs of some of the weakest, most vulnerable members of our society. That is not a legacy about which this government should be particularly proud.

I am concerned that there is no money in this bill for new prisons. Mandatory minimums and initiatives on conditional sentences will not reduce crime. What they will do is put enormous pressure on prisons, and we will need hundreds of millions of dollars to create new spaces in prisons for the people who will be imprisoned more often and longer. There is none of that money in this proposed legislation.

I am concerned by the fact that this bill also incorporates a reduction in infrastructure funding to the Pacific Gateway strategy. The Pacific Gateway strategy, which originated under the former government, represents a breakthrough for the diversification particularly of rural and agricultural economies in the Western provinces — in B.C., the Prairie provinces, in Northern Alberta, my home province. Instead of pursuing that initiative, with its great value for diversification for an economy of the future, this government has cut the program dramatically, from \$590 million over five years to \$163 million only over five years for infrastructure.

• (1510)

More important, honourable senators, is they have also completely and utterly retreated. In fact, they have not just neglected China; they have actually provoked China, and relationships with China are fundamental to that Pacific Gateway strategy.

I will close simply by saying that I am fundamentally disappointed in what I see in this piece of legislation. I see themes that pick on women and on the more vulnerable of our society. It misses opportunities to promote productivity and misses the opportunity to be a leader on one of the major issues facing our generation and our world in this 21st century, which is Kyoto and the environment. It fails to address the leadership that we can provide on other important international issue: AIDS. It also fails to provide leadership on equality.

Honourable senators, this legislation diminishes whatever status this government thought it might once have had.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

APPROPRIATION BILL NO. 3, 2006-07

THIRD READING

Hon. Nancy Ruth moved third reading of Bill C-39, for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007.

Hon. Joseph A. Day: Honourable senators, as indicated earlier, this is the supply bill, appropriation bill, based on the Supplementary Estimates (A). It is for a little over \$5 billion

and deals with new initiatives that were not reflected in the Main Estimates that we looked at earlier.

The only point that I would like to make specific to this particular document, honourable senators, is to point out that there are schedules 1 and 2, and some of the appropriation that honourable senators are being asked to approve now runs over a period of two years.

Honourable senators may have felt that what they are agreeing to is appropriation that must be used before the end of March 2007, but there are listed here a number of departments requesting appropriation over a two-year period. In addition, there is a provision for a 5 per cent carry-forward in operating budgets for departments, and that is to avoid the rush to spend what had been approved before the end of March. That was a good initiative, and Senator Murray asked some questions in that regard. I was glad to hear that it was not kept at the 5 per cent. It is a safety gauge, but it is not being abused. My recollection is that the average is about 3 per cent, which is an indication that it is being used for the purpose for which it was created.

Honourable senators, we have checked and verified that the schedules attached to this appropriation bill are the same schedules that form part of the Supplementary Estimates (A) document that we have had for over a month to study, and we are prepared to support the government's request for this appropriation.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

JUDGES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Comeau, for the second reading of Bill C-17, to amend the Judges Act and certain other Acts in relation to courts.

Hon. Mobina S. B. Jaffer: Honourable senators, I want to begin my remarks on Bill C-17 by speaking briefly about the role of judges in society and of Parliament's role in relation to them.

As Senators Meighen and Grafstein have reminded us, Parliament is called upon by section 100 of the Constitution Act, 1867, to "fix and provide" the salaries, allowances and pensions of judges of the Superior Courts. Judges are the only persons in Canadian society whose compensation is set by Parliament, and section 100 is the only section of the Constitution that mandates the expenditure of money. This reflects the role of the judiciary as a third, equal, branch of government.

The Lang Triennial Commission of 1981 specifically addressed the place of the judiciary in Canada in the following terms:

The Commission believes the position of judge in our society and in our political framework to be unique and vital. A free and independent judiciary is the single greatest guarantee of our constitutional rights and liberties.

Under the Canadian Constitution, the judiciary exercised its authority independently of the executive and the legislature. The Constitution Act itself evidences this intent, by fixing the power to appoint the judges of the superior, district and county courts of the provinces upon the Governor General, and by imposing the duty upon Parliament to fix and provide their salaries, pensions and allowances.

The current McLennan commission report described the legal principles and constitutional imperatives underlying judicial compensation as necessary in order to ensure they "may function fearlessly and impartially in the advancement of government and all litigants appearing before them."

Honourable senators, this is a very important section. Section 100 does not give us a free hand to choose any level of remuneration we like. Constitutionally, it must "fix and provide" for judges in a way that reflects the constitutional status of the judiciary and the requirement that they be able to devote their full time to their responsibilities and discharge them with absolute independence.

It is also important that we recognize the role judges play in our society because judges cannot speak out for themselves. Because of their position, they are constitutionally prohibited from negotiating any part of their compensation arrangements with the executive or with representatives of Parliament. This is a prohibition that applies to no other class of person in Canada. This obviously imposes upon parliamentarians a duty of good faith toward the judiciary and toward the protection of the interests of Canadian society in their independence. For this reason we have the constitutional requirement of an independent commission process to provide a forum for these matters to be addressed.

Judges are also prohibited from engaging in any other occupation or business: What Parliament "fixes and provides" is what they get. They have no means of supplementing their incomes.

The role of the judiciary is such that we should be seeking the best possible people to place in that office. They must be respected among lawyers as leaders of the legal profession. Of course, it goes without saying that they must also have the respect of all Canadians, as their role is fundamental to our rights and to the functioning of our society.

As someone who has practised in front of judges for over 30 years, I can vouch for their complete commitment to their work. For the most committed, dedicated judges, their work is their vocation. They work long hours in order to serve all Canadians.

When we ask qualified people to devote themselves entirely to the demands of this office, to put the other things aside, to turn their backs on the marketplace and on public life, to live the

relatively isolated life of a judge, not only for themselves but also for their families, we take on an obligation to recognize those sacrifices and to treat the judges fairly.

All of us in this chamber understand the rewards and demands of public service, but we are not required to sacrifice everything else; however, judges are. We want the office of judges filled with lawyers who have earned the respect of the members of their profession. Therefore, the notion that judges' salaries should be based only on the availability of applicants completely misses the point. We want to attract the very best from among people of the highest qualifications.

• (1520)

I want to now turn to what Senator Meighen said when introducing this bill. One of his first remarks was that "a government must publicly respond to the report of the commission within a reasonable period of time." A little later, he stated that "the Judges Act was amended in 1998 in order to strengthen the current procedures of the commission consistent with the constitutional requirements defined by the Supreme Court of Canada."

This should not be allowed to pass without comment. The principal way the Judges Act was strengthened, as Senator Meighen suggests, was by adding a time limit for the government's response. This was because there had been problems in the past with the government responding too slowly to commissions.

The time limits are clear. Section 26(7) of the act states:

The Minister of Justice shall respond to a report of the Commission within six months after receiving it.

This is not "within a reasonable time," as Senator Meighen suggested. It is a mandatory six months from the time the report is received. The McLennan commission reported on time and the Minister of Justice of the day responded by accepting the principal recommendation of the report, the 10.8 per cent salary increase.

That was the opportunity the Government of Canada had to address the report. There is absolutely no legal basis for the new Minister of Justice to behave as if the report had not been received by his office. This is a completely irregular reading of the statute, one that goes against the very strengthening, by means of effective time limits, that Senator Meighen spoke about.

This government believes, to quote the Honourable Senator Meighen, that "it had a responsibility to take the time to consider the report and recommendations in light of the mandate and priorities upon which it had been elected." With the greatest respect, this government had no such right and the act provides no such opportunity. The statute is clear and the time limit for the response had long passed before this minister took office. However, this is not the only way the government has failed to respect the process.

Senator Meighen states that Bill C-17 proposes to implement virtually all of the commission's recommendations, the exception being the commission's recommendation for a 10.8 per cent salary increase. However, the salary increase is the principal

recommendation of the commission, and it was the main focus of the report. The other matters are largely of a housekeeping nature. The government has in fact rejected most of the commission's work.

The government finally decided on a 7.25 per cent increase. The government states that it arrived at this figure by giving careful consideration to all four criteria established by the Judges Act and to two of them in particular — the prevailing economic conditions in Canada and the need to attract outstanding candidates to the judiciary.

This is very interesting. If one turns to the report of the commission, one can find a summary of the submissions by the government and the judiciary. There, we can see that an increase of 7.25 per cent was in fact the original proposal of the government; it was an opening offer. This is to say that what this government calls "careful consideration" of the commission's recommendations has led it to conclude that its original position was correct and that the work of the commission, which Senator Meighen has told us was very careful and thorough, was, in respect of its principal recommendation, a complete waste of time.

How does making a submission to the commission, awaiting its recommendations and then saying, "Thanks, but we prefer our opening position," respect the process? Could the process be accorded less respect?

The senator also alluded to the very balanced guidance that has been provided by the Supreme Court in the *P.E.I. Judges Reference* and in the *Bodnar* decision. He went on to say:

In both decisions, the court has quite rightly acknowledged that allocation of public resources belongs to the legislatures and to governments.

Careful reading of these cases also indicates that governments are fully entitled to reject and modify commission recommendations provided that a public, rational justification is given, one that demonstrates overall respect for the commission process.

With the utmost respect to Senator Meighen, the context of the *Bodnar* decision must also be understood. Following the *P.E.I. Reference*, provincial governments were obliged to set up commissions similar to the quadrennial commission for the judges of the provincial courts. The first experiences with these new commissions were not happy. In four of the ten provinces, litigation resulted. When the cases came before the Supreme Court, Madam Justice McLachlin observed that the guidance given by the *P.E.I. Reference*, which was meant to depoliticize the process, had been frustrated in practice.

The Supreme Court then added a third stage of consideration to the two-step analysis set down in the *P.E.I. Reference*. This new test is as follows: First, has the government articulated a legitimate reason for departing from the commission's recommendations? Second, do the government's reasons rely upon a reasonable factual foundation? Third, viewed globally, has the commission process been respected and have the purposes of the commission process been respected and have the purposes

of the commission — preserving judicial independence and depoliticizing the setting of judicial remuneration — been achieved?

The Chief Justice went on to note that "a bald expression of disagreement with the recommendation of the commission, or a mere assertion that judges' current salaries are 'adequate' would be insufficient."

Looking at what this government has done, how can we say that the goal of depoliticization has been achieved? The judges have seen the government's position relative to the current commission change to their disadvantage as a result of politics. How does that honour the strengthened process that Senator Meighen spoke of?

When we actually look at the reasons given for rejecting the commission's recommendation, one again sees a complete lack of respect for the process. The government feels that "the commission did not pay sufficient heed to the need to balance judicial compensation proposals within the overall context of economic pressures, fiscal priorities and competing demands on the public purse." With respect, this seriously misstates the responsibilities of the commission.

Section 26(1.1)(a) of the Judges Act obliges it to consider:

The prevailing economic conditions in Canada, including the cost of living and the overall economic and current financial position of federal government.

This provision obviously addresses what the government can afford to pay.

The commission's observation was as follows:

We interpret this direction as obliging us to consider whether the state of economic affairs in Canada would or should inhibit or restrain us from making the recommendations we otherwise would consider appropriate. An economy providing large surpluses, lower taxes, etc. should not influence a commission to make recommendations that would be overly generous or spendthrift. The consideration to be applied is whether economic conditions dictate restraint from expenditures out of the public purse.

While this consideration may well impose difficulties for future commissions, we conclude that the economic condition in Canada does not restrain this Commission from arriving at the compensation recommendations we believe are appropriate.

The several sources supporting this conclusion are set out at pages 10 and 11 of the report. Against this, the government apparently suggests that the obligation of the commission is to anticipate the government's spending priorities and to give effect to them. This reasoning is deeply flawed. So, too, is the second objection, that the commission accorded "a disproportionate weight to the incomes earned by self-employed lawyers and, in particular, to those practitioners in Canada's eight largest urban centres."

This was the subject of detailed consideration by the commission, which was specifically critical of the data submitted by the government. In the circumstances, the government's response is exactly the sort of "bald statement of disagreement" the Chief Justice identified in *Bodnar* as an insufficient or inadequate response.

The government says it was not satisfied that the appropriate weight had been given to judicial annuity. This was, however, addressed by the commission in some detail, and it was again critical of the state of the data, including the data tendered by the government. This is another completely unsupported statement of disagreement.

• (1530)

It must be said that the government's position that it can — almost two years later, on the basis of vaguely stated misgivings — undo the work of a commission before which it had every opportunity to make its case violates the most basic norms of fairness.

The report was based on the conditions at the time it was presented, a point made by Mr. McLennan when he appeared before the committee in the other place. For the government now to take the position that it has, based on its view of current circumstances, completely negates the purpose of a periodic review and again shows its utter disregard for fairness and due process.

Lastly, honourable senators, Honourable Senator Meighen's observation that it was up to Parliament and not the executive alone to decide on judicial compensation is again misleading —

The Hon. the Speaker pro tempore: I am sorry to interrupt, but I must advise that the honourable senator's time has expired. Is she asking for more time?

Senator Jaffer: May I have two minutes?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Two minutes.

Senator Jaffer: Thank you.

I was saying that Honourable Senator Meighen's observation that it was up to Parliament and not the executive alone to decide on judicial compensation is again misleading, given the government's refusal to commit to a Royal Recommendation, should parliament have expressed a will to raise the amounts proposed by the government. Before the House of Commons Justice Committee, a motion to restore the commission's salary recommendations was ruled out of order. Parliament's hands were completely tied by this manoeuvre.

Honourable senators, I fear we are faced with a bill based on a reasoning that is, on the one hand, deeply flawed and, on the other hand, extremely overdue. We have a responsibility to give this bill careful consideration, but we also have a responsibility not to further delay. On that note, I hope we can refer this matter quickly to committee and look at many of these issues more closely.

Hon. Jeremiah S. Grafstein: I have a question.

[Senator Jaffer]

The Hon. the Speaker pro tempore: Senator Grafstein has a question, but there is only one minute left in Senator Jaffer's time. Will Senator Jaffer accept questions?

Senator Jaffer: Yes.

Senator Grafstein: I was out of the chamber, and I hope I did not mishear the honourable senator. The constitutionality of Parliament to deal with the measure of judicial compensation under sections 99 and 100 of the Constitution is clear. Is that so?

Senator Jaffer: I think that is something that the committee will have to look at.

Hon. Grant Mitchell: Honourable senators, I spoke about this earlier in the context of the supplementary estimates, and I would like to get it on the record on this bill as well.

I am concerned about the implications of this bill. It will reduce a more than 10 per cent increase in the salaries of judges down to about 7.25 per cent. In doing so, it negates the recommendations of the quadrennial commission. That commission was set up with one fundamental principle in mind, and that was to maintain the independence of the Canadian judiciary. That is a fundamentally important principle. It is one of the pillars that makes our judicial system as successful, fair and world renowned as it is. If there were a good reason for the government to make that decision, I have not heard it. The reason they gave is that there are parameters under which they can review the recommendations of the quadrennial commission. One key parameter is whether or not the recommendation is consistent with the current fiscal or financial context of the government. At the time when the bill was originally initiated, there was a \$3 billion surplus. At this time, there is a \$13 billion surplus. The government said there was a tight fiscal circumstance, and therefore they had to cut the percentage. In fact, there is not anywhere near that tight a fiscal circumstance; therefore, logic dictates they do not have to cut it.

Having come to that conclusion, one has to ask: What would be the reason to cut the amount of the increase? The conclusion I have come to is this "judge-made law" concern of the Conservative government. This is not about doing what is right. This is not about worrying about the independence of the judiciary. This is about penalizing the judiciary because this government thinks they are not interpreting the legislation and the Constitution in a way that is appropriate. In fact, this judiciary is above reproach. It does not deserve to be penalized. This is a cheap shot, and it should not occur.

On motion of Senator Cools, debate adjourned.

INFORMATION COMMISSIONER

MOTION TO APPROVE APPOINTMENT OF MR. ROBERT MARLEAU—ORDER STANDS

On Motion No. 1 by Senator Comeau:

That in accordance with section 54 of the *Access to Information Act*, Chapter A-1, R.S.C. 1985, the Senate approve the appointment of Robert Marleau as Information Commissioner for a term of seven years.

Hon. Marcel Prud'homme: Could I ask if it is the intention to call in Mr. Marleau, as has been the established practice in the Senate?

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to thank Senator Prud'homme for his question. We have had discussions with members from the other place, and we intend to discuss it with you soon. We hope to arrange for Mr. Marleau to appear before a committee of the whole on Tuesday evening at 8:00 p.m., but for now, discussions are ongoing.

Order Stands

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY ASSISTED HUMAN REPRODUCTION ACT

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 5, 2006, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to undertake a review of the proposed Regulations under section 8 of the Assisted Human Reproduction Act, deposited with the Clerk of the Senate on October 27, 2006; and

That the committee submit its final report no later than thirty sitting days after the proposed regulations were laid before the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

[English]

Hon. Art Eggleton: I have a question of Senator Comeau. As the chair of the committee, I am concerned about the timing of this motion, which states that the regulations were received by the Clerk of the Senate on October 27. Today is December 6. It says in the following paragraph that the committee would submit its final report no later than 30 days after the proposed regulations were laid before the Senate. Is the October 27 date considered to be the start of the clock, or is today the start of the clock?

Senator Comeau: I think my honourable friend read it right on the first count. It is October 27.

Let me provide a bit of information. Referring regulations to committee is a fairly new process. As a matter of fact, this is only the second time that such regulations were asked to be referred to committee.

A letter was sent to Senate officials, which was deposited by the clerk through what I think we refer to as the back door, and for some reason it did not reach our attention until notice was given yesterday. It was an oversight. It is a fairly new process, and it was not done with any ill intention at all. We are instituting a procedure so that we do not miss these things in the future.

I can assure the committee chairman that there still is quite a bit of time. Approximately half of the 30 days that were to be used for dealing with the motion have passed. This means that the

committee would have roughly until February 14 or 15 to deal with the regulations. There is still a little time.

• (1540)

I understand that the reproductive technology bill was a huge bill, and a lot of attention was placed on it by both sides, and a huge amount of work was done.

We are cognizant that such regulations will need time. We are hopeful that if the committee needs extra time prior to the 2007 sitting, we would be prepared to look at that requirement as well. We are instituting the proper procedures so that we are now more familiar with the process and will try to avoid problems in the future. I apologize for any inconvenience this oversight might have caused to the committee and the committee members.

The Hon. the Speaker pro tempore: Debate? Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON FUNDING FOR TREATMENT OF AUTISM—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—study on the issue of funding for the treatment of autism—power to hire staff), presented in the Senate on November 23, 2006.—(Honourable Senator Eggleton, P.C.)

Hon. Art Eggleton: Honourable senators, I move the report be adopted.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(Honourable Senator Robichaud, P.C.)

Hon. Nick G. Sibbeston: Honourable senators, I want to say something about the issue of literacy from a northern perspective. I have come to appreciate that the Senate is a place where we come from all regions of the country and express our concerns. Often, I am discovering, decisions that are made by government have the big majority in mind, the southern centres in mind, and

so I want to show how a decision that was made by government concerning literacy has an effect in the far reaches of the country in the Northwest Territories.

Over the past few weeks, many senators have stood up and expressed their concern about the government cutting programs for literacy. On the other side, I heard Senator LeBreton say that the cuts were only to regional and local programs because the government will focus on national objectives. She said the government will spend \$81 million over two years to meet these national objectives. I wonder what they mean by national objectives. How will these national objectives better the people, particularly the Aboriginal people, in communities that have concerns about literacy?

The whole thrust of government, it seems to me, is to help Aboriginal people enter Canadian society. Everyone is concerned about Aboriginal people. They are concerned about the difficulties that Aboriginal people have and one may even say that the biggest social problem, something that is on the conscience of Canadians, is the Aboriginal situation. A lot of effort has gone into helping Aboriginal people with housing, education and so forth. I am trying to show how a government, sitting so far away in Ottawa, affects people in the small remote communities of the North when the government makes decisions to cut money for literacy.

My understanding is that the Conservative government has cut funding for literacy programs in our country. The \$17.7 million reduction is a real cut. Spending in other areas does not mean that real damage has not been done to good and important programs. In the Northwest Territories, \$600,000 was cut from three organizations who deliver literacy programs to people in the communities. The Northwest Territories Literacy Council, the Federation FrancoTenoise and the Aurora College all had their budgets cut. Two Aurora college programs in Yellowknife and Inuvik that provide direct training to adults were impacted.

Federation FrancoTenoise will reduce their family literacy programs for francophones and cancel plans to begin offering direct literacy training to adults. For the Northwest Territories Literacy Council, whose budget was cut by nearly 40 per cent, the reductions will affect their ability to train literacy workers and develop resources for literacy training that are directly relevant to northerners. At the same time, they will withdraw their support to small Aboriginal communities that are recently getting organized to deliver literacy programs to these citizens.

Honourable senators must appreciate the situation in the north. We have Aboriginal people who are emerging from the traditional way of life of hunting, trapping and fishing. This process has been going on since the 1960s, with people moving into towns, trying to change their way of life; working in jobs in towns instead of on the land. They come to town and they make sure their young children are educated in English.

We have made good progress, but the problem is that the cuts in literacy programs will affect adults: people who are 30, 40 and 50 years old. We have development coming to the North. We have the prospects of a pipeline. Training is taking place. There is safety training and training how to work on rigs, among other things. All these courses are given in English, which makes it difficult for those who do not know English.

[Senator Sibbeston]

This literacy program in the Northwest Territories was aimed at helping these people who are not in school, who are adults. I am reminded of my uncle who, years ago in the 1930s and 1940s, went to school to obtain a grade 3 education. He said that he went to the University of Fort Providence and received a grade 3 education. At the time, grade 3 was sufficient to make a living in the North. You could hunt and trap and talk sufficient English. This was enough and he made a good life hunting, trapping and eventually working in town. However, grade 3 now is not enough to make a living in the North, with the industrial development that is coming. That is the problem.

• (1550)

We are talking about a \$600,000 cut from the literacy program, a cut that will have a direct impact on teaching English to adults so that they can get a job. The government says that it will direct money toward a national objective, but the teaching that needs to be done must take place in the community, right on the ground. That is why the literacy program is so important. It is for that reason that I have to express my concern as to the impact of this cut on the people in the North.

The impact of these cuts was particularly felt in the Northwest Territories, as I am sure was the case in small jurisdictions. The \$600,000 cut in the Northwest Territories represented 3.5 per cent of the total program reduction; that is a big burden for a region with only 45,000 people.

The territorial government and local community governments do not have the resources to take over the programs from which the federal government is withdrawing. These cuts are real cuts, and these organizations will be severely handicapped. Some might have to close programs and shut down altogether.

There are many Aboriginal people in the North who still speak their own language. Our society was based on an oral tradition; literacy was not an issue. However, in the last generation or two, as I said, we have been getting involved in the modern economy. Literacy — that is, the ability to write and read English — is important if we are to be part of modern life. We have no choice.

That is the thinking — that we have no choice but to get on with a modern economy, because hunting and trapping is becoming a very difficult way of life. People recognize they have to get jobs. With the prospect of industrial development coming to the North, it is so important that people be given a chance to learn and write English.

This is why I express my concern. I express my concern in the name of the people in the far reaches of the North who are being affected and who have been affected by the cuts of the government. I want to make the point that government, whoever you are — whether it is a federal Liberal or Conservative government or a territorial government — in the future, when you cut programs, be very sure and know how it is going affect people in the remote parts of the country. I think too many decisions are made with Toronto, Edmonton and the big southern cities in mind, and with not enough thought about the small rural communities in the North.

Honourable colleagues, my concern is sincere. I did not suddenly just decide to speak today. I researched the issue. I obtained information, got some statistics about the organizations that are doing these programs and talked to

people that are being affected. I speak truthfully and sincerely today in the hope that in the future, when cuts are being considered, the people in the more remote parts of the country will be kept in mind.

On motion of Senator Robichaud, debate adjourned.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2006 RESOLUTION ON ANTI-SEMITISM AND INTOLERANCE

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, for the Honourable Senator Grafstein, seconded by the Honourable Senator Cook:

That the following Resolution on Combating Anti-Semitism and other forms of intolerance which was adopted at the 15th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Brussels, Belgium on July 7, 2006, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2007:

RESOLUTION ON COMBATING ANTI-SEMITISM AND OTHER FORMS OF INTOLERANCE

1. Calling attention to the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its annual sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004 and Washington in 2005,
2. Intending to raise awareness of the need to combat anti-Semitism, intolerance and discrimination against Muslims, as well as racism, xenophobia and discrimination, also focusing on the intolerance and discrimination faced by Christians and members of other religions and minorities in different societies,

The OSCE Parliamentary Assembly:

3. Recognizes the steps taken by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) to address the problems of anti-Semitism and other forms of intolerance, including the work of the Tolerance and Non-Discrimination Unit at the Office for Democratic Institutions and Human Rights, the appointment of the Personal Representatives of the Chairman-in-Office, and the organization of expert meetings on the issue of anti-Semitism;
4. Reminds its participating States that "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and

religious facilities", this being the definition of anti-Semitism adopted by representatives of the European Monitoring Centre on Racism and Xenophobia (EUMC) and ODIHR;

5. Urges its participating States to establish a legal framework for targeted measures to combat the dissemination of racist and anti-Semitic material via the Internet;
6. Urges its participating States to intensify their efforts to combat discrimination against religious and ethnic minorities;
7. Urges its participating States to present written reports, at the 2007 Annual Session, on their activities to combat anti-Semitism, racism and discrimination against Muslims;
8. Welcomes the offer of the Romanian Government to host a follow-up conference in 2007 on combating anti-Semitism and all forms of discrimination with the aim of reviewing all the decisions adopted at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington), for which commitments were undertaken by the participating States, with a request for proposals on improving implementation, and calls upon participating States to agree on a decision in this regard at the forthcoming Ministerial Conference in Brussels;
9. Urges its participating States to provide the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with regular information on the status of implementation of the 38 commitments made at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington);
10. Urges its participating States to develop proposals for national action plans to combat anti-Semitism, racism and discrimination against Muslims;
11. Urges its participating States to raise awareness of the need to protect Jewish institutions and other minority institutions in the various societies;
12. Urges its participating States to appoint ombudspersons or special commissioners to present and promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
13. Underlines the need for broad public support and promotion of, and cooperation with, civil society representatives involved in the collection, analysis and publication of data on anti-Semitism and racism and related violence;
14. Urges its participating States to engage with the history of the Holocaust and anti-Semitism and to analyze the role of public institutions in this context;
15. Requests its participating States to position themselves against all current forms of anti-Semitism wherever they encounter it;

16. Resolves to involve other inter-parliamentary organizations such as the IPU, the Council of Europe Parliamentary Assembly (PACE), the Euro-Mediterranean Parliamentary Assembly (EMPA) and the NATO Parliamentary Assembly in its efforts to implement the above demands.
—(Honourable Senator Fraser)

Hon. Hugh Segal: Honourable senators, I had undertaken to speak on this motion with respect to anti-Semitism — which, like others in this chamber, I am deeply opposed to. However, being mindful of the clock, if it is acceptable to honourable senators I wish to move the adjournment of the debate in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE BILL, 2006

FIRST READING

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons with Bill C-24, to

impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence, to which they desire the concurrence of the Senate.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, at the next sitting of the Senate.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

The Senate adjourned until Thursday, December 7, 2006, at 1:30 p.m.

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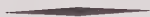
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OFFICIAL REPORT
(HANSARD)

Thursday, December 7, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, December 7, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before calling Senators' Statements, I wish to draw your attention to the presence in the gallery of one of our partners in the Hydrogen on the Hill project launched here today in the Senate, Mr. Bill Osborne, President and CEO of Ford Motor Company of Canada.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

POLITICS AND RELIGION

Hon. Jack Austin: Honourable senators, I want to bring to your attention what may be a remarkable turning point in the long morality wars we have witnessed in the United States.

• (1335)

Rick Warren is one of their most popular evangelical pastors; and to the surprise of his followers at the Saddleback Valley Community Church in Orange County, Southern California, he invited Senator Barack Obama, Democrat for Illinois, to address his congregation on the AIDS crisis.

To begin with, a part of the surprise is that people who identify themselves as members of the Christian Coalition have also been seen as a right wing Republican preserve. President Bush carried the evangelical vote in 2004 by a ratio of four to one. Many politically active evangelical leaders have insisted that the morally weighted social issues — same-sex marriage, abortion and stem-cell research — takes priority over all other issues.

About Pastor Rick, as he is called, his book *The Purpose-Driven Life* has sold over 10 million copies. One of its key messages is that harnessing religious faith too closely to electoral politics is bad for religion.

Last Friday was World AIDS Day. Senator Obama is pro-choice, which is argued by the Christian Coalition to be the antithesis of biblical ethics and morality. His message to the Saddleback congregation was:

Abstinence and fidelity, although the ideal, may not always be the reality. We are dealing with flesh and blood men and women, and not abstractions. If condoms and

microbicides can prevent millions of deaths, then they should be made more widely available. I don't accept the notion that those who make mistakes in their lives should be given an effective death sentence.

In response to his critics, Pastor Rick Warren said:

I am a pastor, not a politician. People always say, "Rick, are you right wing or left wing?" I say, "I'm for the whole bird."

The news report said that both Senator Obama and Pastor Rick received standing ovations from that congregation.

Given the issue before the other place this afternoon, I thought this would be a timely lesson in real morality.

THE SENATE

WORLD'S FIRST BUS WITH HYDROGEN DRIVEN INTERNAL COMBUSTION ENGINE

Hon. Tommy Banks: Honourable senators may have noticed at the front of the building today a bus, which, as the Speaker pointed out to us earlier, contains the first hydrogen-driven internal combustion engine anywhere in the world — and it is a Senate bus.

Hon. Senators: Hear, hear!

Senator Stratton: It runs on hot air.

Senator Banks: Nothing could be more efficient than that we should harness the hot air in this place and drive a bus with it, because we certainly have enough of it.

As His Honour has already introduced Mr. William Osborne to us, I can refer to him and to the many other partners, along with the Ford Motor Company, and of course, Natural Resources Canada and Industry Canada, with their alternative fuel initiatives.

I want to call to honourable senators' attention the fact that the Senate is at the front of the line on this initiative. The Senate has been happily involved in bringing in this initiative, by which we set a good example, we hope, for others to follow.

Of all the people who have been involved in this, all the drivers and shakers, on a scale of 1 to 10, a lot of them were at eight, eight and a half, nine and even nine and a half. However, the 10 from the Senate side was our own Serge Gourgue Director General, Parliamentary Precinct Services. He needs to be honoured by us for the effort that he put into bringing this project to fruition.

I wanted to put on the record the gratitude of this chamber to Mr. Gourgue for his initiative to assist us in taking part in this wonderful venture.

LIBERAL PARTY OF CANADA CONVENTION

Hon. Vivienne Poy: Honourable senators, I had the privilege this past weekend of attending a most exciting political convention in Montreal, and joining with members of the Liberal Party from across Canada to elect a new leader and to determine the policies that will guide the party into the future.

I would like to think that we emerged from this convention a stronger and more united party.

One way in which we are stronger is in electing our new leader, the Honourable Stéphane Dion, who brings with him a wealth of experience, a principled and passionate approach to politics and a commitment to Canada and to the renewal of the Liberal Party.

• (1340)

Like many of those who supported Dr. Dion, I supported him, not because I was sure he would win the leadership, but because I believe he is the best person to lead our party. I am so glad that so many delegates, upon meeting him personally, also became convinced that he represents the future of the Liberal Party of Canada. While he is widely known for his formidable intellect, I believe it was his personal conviction that won so many over during the convention.

Dr. Dion has spoken about bringing together economics, social justice and the environment. He stresses that sustainable development is the only hope for future generations, both nationally and globally. He is a defender of equal rights as enshrined in our Charter and recognizes that it is the Charter that unites us as Canadians.

Honourable senators, please join me in congratulating Dr. Dion and in wishing him great success as he assumes the leadership of the Liberal Party.

PARLIAMENTARY POET LAUREATE

CONGRATULATIONS TO JOHN STEFFLER

Hon. Bill Rompkey: Honourable senators —

And now our country's state poet
Comes from off the Rock
John Steffler is our Laureate
His mission: to praise and mock.

He joins Rick Mercer, Mary Walsh
Whose turns of phrase have punch and pith
Our John's a poet/novelist
A nationally renowned wordsmith.

He does regret his annual award
Is not a barrel of sherry
But the 13,000 for an "undefined job"
Will help to keep him merry.

He'll find the rhymes to suit the times
Without resorting to theft
But I will bet you here and now

He cannot find a rhyme for Ignatieff.
All hail John Steffler
Our new Poet Laureate.

[Translation]

HERITAGE

CANADA POST—POSTAL SUBSIDIES
FOR PUBLICATIONS

Hon. Maria Chaput: Honourable senators, the Canada Post Corporation is planning to cut its yearly \$15 million contribution to Heritage Canada's Publications Assistance Program as of April 2007. The Publications Assistance Program will therefore lose a quarter of its funding.

La Liberté is Manitoba's only French-language weekly. It is the only newspaper that reaches the official language minority, addresses issues that the minority cares about and reflects its daily experience. *La Liberté* has no choice but to use Canada Post for its delivery service because francophone readers in Manitoba are widely dispersed.

Cuts to this program mean that the paper will have to spend an additional \$25,000 per year. Furthermore, a dozen newspapers belonging to the Association de la presse francophone across Canada will be hard hit by this decision.

This program must remain in place because it supports what is, in many cases, the only French-language publication read by francophones in minority language communities, especially when they live in isolated areas.

ROUTINE PROCEEDINGS

GWICH'IN COMPREHENSIVE LAND CLAIM
AGREEMENT

2003-04 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2003-04 Annual Report of the Implementation Committee for the Gwich'in Comprehensive Land Claim Agreement.

[English]

FEDERAL ACCOUNTABILITY BILL

MESSAGE FROM COMMONS AND MOTION
TO CONCUR—REPORT OF COMMITTEE

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, December 7, 2006

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

EIGHTH REPORT

Your Committee, to which was referred the motion of the Honourable Senator LeBreton, P.C., dated November 22, 2006, and the message from the House of Commons, dated November 21, 2006, relating to amendments to Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, has, in obedience to the Order of Reference of Thursday, November 23, 2006, examined the said motion and message, heard witnesses, and now reports as follows.

Your Committee recommends:

That the Senate concur in the amendments made by the House of Commons to its amendments 29, 98 and 153 to Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability;

That the Senate do not insist on its amendments 4 to 12, 14, 15, 18 to 20, 22 to 24, 28, 30, 31, 68, 69, 71, 80, 83, 85, 88 to 90, 92, 96, 100 to 102, 107 to 110, 113, 115, 116, 118 to 121, 123, 128 to 134, 136 to 143, 145, 147 to 151, 154, 155 and 157 to which the House of Commons has disagreed;

That the Senate do insist on its amendment 2 because it must be clearly recognized that the two Houses of Parliament are not public sector entities in the same way as are federal departments and agencies, which are in fact bodies responsible to Canadians through Parliament; and that the Senate do insist on amendments 25, 34 to 54, 55(a) to (d), 55(e)(ii) to (viii), 56 to 62, 65 and 94, since these amendments, which deal with the Senate Ethics Officer, are of significant importance to the status and privileges of the Senate of Canada as a constitutionally separate and independent House of Parliament, and reflect the practice of other Westminster based parliamentary democracies.

That a Message be sent to the House of Commons to acquaint that House accordingly and seek their concurrence.

Respectfully submitted,

DONALD H. OLIVER
Chair

• (1345)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Oliver, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS—REPORT OF COMMITTEE PRESENTED

Hon. Sharon Carstairs, Deputy Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, December 7, 2006

The Standing Senate Committee on Human Rights has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations, respectfully requests that it be empowered to travel outside Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the supplementary budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

SHARON CARSTAIRS
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 909.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Carstairs, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

AGING

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES— REPORT OF SPECIAL COMMITTEE PRESENTED

Hon. Sharon Carstairs, Chair of the Special Senate Committee on Aging, presented the following report:

Thursday, December 7, 2006

The Special Senate Committee on Aging has the honour to present its

FIRST REPORT

Your Committee, which was authorized by the Senate on Tuesday November 7, 2006, to examine and report upon the implications of an aging society in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to section 2(1)(c) of Chapter 3:06 of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

SHARON CARSTAIRS, P.C.
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 915.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Carstairs, with leave of the Senate and notwithstanding rule 57(1)(e), report placed on the Orders of the Day for consideration later this day.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON MATTERS RELATING TO MANDATE— REPORT OF COMMITTEE PRESENTED

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, December 7, 2006

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Wednesday, April 26, 2006, to examine and report on emerging issues related to its mandate, respectfully requests that it be empowered to travel outside Canada for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

TOMMY BANKS
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 921.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Banks: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

By way of explanation for my request for that leave, approval of this report is required so that a delegation of senators can travel to London, accompanying the Commissioner of the Environment and Sustainable Development, to meet with British parliamentarians on matters of concern to them. The senators are leaving tomorrow.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Terry Stratton: It would be appropriate when the question is called later this day to ask my questions at that time.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Hon. Willie Adams: Honourable senators, I have information that the senators to go to London, England, were chosen by the committee sometime this morning.

• (1350)

My information is that the two senators who were chosen are not even members of the committee. I do not know why that information was not put on the table today.

The Hon. the Speaker: I thank the honourable senator for his intervention. When we get to the debate on the motion, we look forward to further input.

On motion of Senator Banks, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, December 7, 2006

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

NINTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2006-07.

Foreign Affairs and International Trade (Legislation)

Professional and Other Services	\$ 3,000
Transport and Communications	\$ 750
Other Expenditures	\$ 750
Total	\$ 4,500

Respectfully submitted,

GEORGE J. FUREY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL SECURITY AND DEFENCE**BUDGET—STUDY ON NATIONAL SECURITY
POLICY—REPORT OF COMMITTEE PRESENTED**

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, December 7, 2006

The Standing Senate Committee on National Security and Defence has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and report on the national security policy for Canada, respectfully requests the approval of supplementary funds for fiscal year 2006-2007.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix D, p. 927.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

[Translation]

INFORMATION COMMISSIONER**NOTICE OF MOTION TO RECEIVE APPOINTEE
ROBERT MARLEAU IN COMMITTEE OF THE WHOLE**

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Senate do resolve itself into a Committee of the Whole on Tuesday, December 12, 2006, at 8 p.m. in order to receive Mr. Robert Marleau respecting his appointment as Information Commissioner;

That television cameras be authorized in the Senate Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings; and

That photographers be authorized in the Senate Chamber to photograph the witness before the commencement of the testimony, with the least possible disruption of the proceedings.

[English]

CANADA-CHINA LEGISLATIVE ASSOCIATION**GENERAL ASSEMBLY OF THE ASEAN
INTER-PARLIAMENTARY ORGANIZATION,
SEPTEMBER 10-15, 2006—REPORT TABLED**

Hon. Joseph A. Day: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association respecting its participation at the Twenty-seventh Annual General Assembly of the ASEAN Inter-Parliamentary Organization (AIPO) held in Cebu City, Philippines, from September 10 to 15, 2006.

• (1355)

[Translation]

CANADA-JAPAN INTER-PARLIAMENTARY GROUP**EXECUTIVE COMMITTEE MEETING
OF INTER-PARLIAMENTARIANS FOR SOCIAL
SERVICE, AUGUST 23-25, 2006—REPORT TABLED**

Hon. Marie-P. Poulin: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report by the Canadian delegation of the Canada-Japan Inter-Parliamentary Group regarding its participation in the third meeting of the executive committee of Inter-Parliamentarians for Social Service held in Jeju, Korea, August 23 to 29, 2006.

ASIA-PACIFIC PARLIAMENTARIANS' CONFERENCE
ON ENVIRONMENT AND DEVELOPMENT,
SEPTEMBER 1-3, 2006—REPORT TABLED

Hon. Marie-P. Poulin: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report by the Canadian delegation of the Canada-Japan Inter-Parliamentary Group regarding its participation in the first Asia-Pacific Parliamentarians' Conference on Environment and Development held in Seoul, Korea, September 1 to 3, 2006.

[English]

ANTI-TERRORISM ACT

NOTICE OF MOTION TO AUTHORIZE
SPECIAL COMMITTEE TO EXTEND DATE
OF FINAL REPORT AND TO MEET DURING
ADJOURNMENT OF THE SENATE

Hon. David P. Smith: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Orders of the Senate adopted on Tuesday, May 2, 2006, and on Wednesday, September 27, 2006, the date for the Special Senate Committee on the Anti-terrorism Act to submit its final report be extended from December 22, 2006, to March 31, 2007; and

That the Committee be empowered, in accordance with rule 95(3), to meet on weekdays in January 2007, even though the Senate may then be adjourned for a period exceeding one week.

[Translation]

YOUNG VOLUNTEERS

PRESENTATION OF PETITION

Hon. Jean-Claude Rivest: Honourable senators, I have the honour to present a petition from more than 11,000 petitioners across Canada concerning youth volunteer programs for volunteering both within Canada and abroad.

[English]

Hon. Catherine S. Callbeck: Honourable senators, I have the honour to present a petition signed by more than 2,000 young Canadians from my home province of Prince Edward Island and across Canada who are calling on Parliament to enact legislation or take measures that will allow all young Canadians who wish to do so to serve in communities as volunteers at the national or international levels.

Hon. Rod A.A. Zimmer: Honourable senators, I have the honour to present a petition from the residents of Canada concerning the inability of many competent young Canadians to serve as volunteers in Canada and abroad due to inadequate funding and support for non-governmental organizations that facilitate such work.

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—PROPOSAL TO MAKE
ORGANIZATION SUBJECT TO ACCESS
TO INFORMATION

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I again have a question directed to the Leader of the Government in the Senate concerning the Canadian Wheat Board,

As she knows, when we were dealing with Bill C-2 earlier, and as recently as Tuesday of this week in the Standing Senate Committee on Legal and Constitutional Affairs, the question of access to information encroaching on or compromising the competitiveness of the Canadian Wheat Board was raised. Members on this side proposed an amendment to exempt the Canadian Wheat Board from access to information legislation. However, that information is not material to the matter that will be before us later today.

One of the relevant matters may be testimony from Mr. Alan Leadbeater, Deputy Information Commissioner. In his testimony before the committee when asked about this same matter he said:

I remind you that it is not because we think sensitive information held by the Wheat Board should be disclosed, and it would not be. There are vibrant exemptions in the statute that protect that disclosure. We have fish marketing boards and port authorities that are already covered.

• (1400)

My question to the Leader of the Government in the Senate is this: Is that the government's position. Many people are concerned that the government's actions may not be in the best interests of the Canadian Wheat Board in that they may undermine its competitiveness.

The government leader has said that that is not the intention of the government. Can the government leader confirm the government's position? Would the government do what is necessary to ensure that the Canadian Wheat Board will not be required to release information affecting its competitive position in international markets?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Hays for that question.

The testimony of Mr. Leadbeater, the Deputy Information Commissioner, indicated that he supported the government's intention to include the Canadian Wheat Board under the Access to Information Act. Next week, we will go into Committee of the Whole regarding the nominated Information Commissioner.

Honourable senators, I do not think the government can make the commitment Senator Hays has asked for. If there were a request for information from the government, it would be up to the Information Commissioner to decide whether and what to release. It is not something the government would interfere with.

Senator Hays: Honourable senators, the leader's answer underlines why I share the concern of the board. The board is on its own, if the government will not monitor access to information requests and their effect on the board's competitiveness. The Canadian Wheat Board serves farmers who market their grain through the single-desk selling system.

If it turns out that Mr. Leadbeater is wrong in terms of understanding his role, that there are exemptions in the statute to protect the Canadian Wheat Board from the release of sensitive information, will the government note that and take steps to bring forward a legislative or regulatory sponsor to ensure that the Canadian Wheat Board has the protection the board and Mr. Leadbeater think it has? If not, Canada's farmers will suffer.

Senator LeBreton: If any member of the previous or current government were to give direction to the Information Commissioner, there would be protest from the opposition.

If an individual files a request for information from the Canadian Wheat Board, or any organization, it is up to the Office of the Information Commissioner to determine what information is accessible. I do not think anyone would ever suggest that any government give direction to any of these officers of Parliament in conducting their affairs.

• (1405)

Senator Hays: The thrust of my question is not that the government interfere in the Office of the Information Commissioner or with any of its officers, but rather that the government take note of any difference with what has been held out to be the case, namely, that there are "vibrant exemptions in the statute" to protect the Wheat Board from having to release information. If in fact that turns out not to be the case, I am sure that the board will bring it forward, as will those of us on this side, because it will be in the *Western Producer*, and so on, and we will all know about it. If it turns out to be the case that those protections are not there, I am asking that the government monitor the situation and, if circumstances do not turn out to be as we think they are based on Mr. Leadbeater's testimony, that the government take action, not by interfering in the Office of the Information Commissioner, but by bringing forward legislation acknowledging that something needs to be done to ensure that the Wheat Board will not be undermined. If the Wheat Board loses its competitive advantage, the people who pay will be the producers who will receive less for their commodity.

I am looking for the government's vigilance in this matter, not to interfere in the work of the Office of the Information Commissioner.

Senator LeBreton: Honourable senators, that is a difficult question, almost a hypothetical one. The Leader of the Opposition is anticipating something that may or may not happen. I cannot really answer that question other than to commit that I will express his concerns to the Minister of Agriculture.

Again, we are talking about a hypothetical situation here, and it is impossible for me to properly respond to a hypothetical question. However, I will, by way of the transcripts of today's debates, inform my colleague the Minister of Agriculture of these concerns.

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE— SEARCH FOR NEW COMMISSIONER

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate. The minister was good enough yesterday to inform us in a timely manner of the resignation of the Commissioner of the RCMP, which is, as I suggested yesterday, a serious matter. It now will be extremely important that Canadians' faith in the RCMP and its integrity, in all possible senses of that word, and its competence be reinforced. It also will be important that the force's own faith in itself — that is, its morale — be strengthened at what must be a time of great difficulty for many members of the force.

Honourable senators, it will be very important to get exactly the right new commissioner. Can the leader give us an assurance, although we all understand that it will be important not to delay the nomination of the new commissioner unduly, that the search will be thorough, wide ranging, and will include both — and this is important — internal and external candidates so that, at the end of the process, Canadians will feel confident that the best possible candidate has been found?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the Honourable Senator Fraser for that question. I share her concern about the public's confidence in the RCMP. I am from a era when the RCMP was one of the symbols of our country. I was raised in a manner such that I always admired the RCMP.

With regard to the resignation of Commissioner Zaccardelli and the efforts to eventually replace him, all I can say is that the government has been receiving advice, such as my honourable friend has just given, to not only look within but also beyond the ranks of the RCMP. I am certain that at this moment Public Safety Minister Stockwell Day is taking into account all the good advice he is receiving on finding a replacement for the commissioner who will have the confidence of Canadians from coast to coast to coast.

• (1410)

Senator Fraser: I have a supplementary question for the leader.

I mentioned the need to restore the confidence of the public and members of the force. A third group whose confidence needs to be addressed probably even more than would usually be the case, is Parliament.

Can the minister give us an assurance that before a nomination is made final, Parliament will have a chance to scrutinize the nominee, meet with the nominee and put questions to the nominee?

Senator LeBreton: Honourable senators, I cannot answer that question. In the normal process of events, historically, nominees to this position have not come before Parliament for questioning. There are facilities within Parliament to question the Commissioner of the RCMP — witness the committees on the other side, and certainly we have the same capacity on this side.

However, I cannot make that commitment. The appearance before Parliament would be unusual. In any event, I am confident that Minister Day will be prudent and careful in his deliberations. I am certain that the person chosen to be the new Commissioner of the RCMP will have the confidence of not only the public, parliamentarians and the people in the RCMP, but also Minister Day, who will want to ensure that confidence exists in his own mind.

Hon. Jack Austin: I have a supplementary question, honourable senators.

Given that the Minister of Justice seeks to have police advice on the judicial advisory committees with respect to the appointment of judges, I wonder whether turnabout would not be fair play and that the judges would be consulted with respect to the appointment of the Commissioner of the RCMP?

Senator LeBreton: Honourable senators, in answer to the Honourable Senator Austin with regard to the selection of the Commissioner of the RCMP, Senator Austin is a Privy Councillor and having been part of a cabinet, he knows the procedure that is followed in connection with naming the Commissioner of the RCMP.

With regard to the proposal — and it is only a proposal at the moment — by Minister Toews to broaden the scope of the advisory committees for the selection of judges, this proposal is simply an opportunity for law enforcement representatives to participate in the process. In no way will it undermine the process of choosing our judges, which has produced some good appointees. I am familiar with the process, as I have said in the past, but I would not be offended if people other than lawyers and judicial people in the various provinces were consulted. I would not mind at all having an extra body on the advisory committees to help put forward names for judicial appointments.

With regard to the RCMP commissioner, I will not respond in kind to Senator Austin's question because I think it was rather tongue-in-cheek.

• (1415)

JUSTICE

JUDICIAL APPOINTMENTS—PROPOSAL TO PLACE POLICE REPRESENTATIVES ON SELECTION COMMITTEES

Hon. Jack Austin: I have a further supplementary question. I do want to differ with the leader on the question of the composition of the judicial advisory committees. As the government leader says, I was a member of cabinet, and I had some experience with the system of consultation with respect to the appointment of judges. The existing system, when I was in the last government, provided for wide consultation, and there was no control of those committees by any particular faction.

Minister Fortier says "except by the Liberal Party." Actually, the committee was composed of a designate from the Attorney General of a province, someone designated by the Chief Justice of a province, two lay people and someone from the law society of the province in question. Therefore, most members, the majority, of the judicial advisory committees in our time were not appointed by the Liberal Minister of Justice. Of course, the

cabinet had the ultimate decision of appointment, and that should be as it is because the political responsibility should be with the cabinet.

Has the Leader of the Government in the Senate taken into account the reaction of the Chief Justice of Canada and other judges, the entire judicial council of all Chief Justices of Canada, regarding their concern with respect to the addition of representatives of the police forces of Canada on judicial advisory committees?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I am familiar with the setup of judicial advisory committees, because they were established under a Conservative government.

Senator Segal: Hear, hear!

Senator LeBreton: The advisory committees were made up of the Attorney General of the province in question and someone from the law society of the province in question, but they were all people of the legal community. There were no lay people.

Senator Austin: Yes, there were.

Senator Carstairs: That is not true.

Senator LeBreton: I am sorry, you are correct.

The Minister of Justice took recommendations from those lists. With respect to having an individual who is not part of the legal community on the committee — I will use the example of Senator Milne who asked the other day whether prostitutes could be on this list as well, which was a rather facetious question. Many people in the public feel that other voices are needed in the selection of judges. If you use the logic that only people who are knowledgeable about legal matters should be part of the group that decides, and no one else — and Senator Milne used the argument that all these other interest groups should not be involved as well — then defence lawyers and Crown attorneys should not be part of the process.

Adding a police representative to committees in the various jurisdictions does not in any way compromise the selection process; rather, it strengthens the process. In no way will the addition of a police representative undermine the ability of the government to appoint qualified people to serve in our judicial positions.

[Translation]

INTERGOVERNMENTAL AFFAIRS

FEDERAL PROGRAMS—OPTION OF PROVINCES TO DECLINE INVOLVEMENT

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate. I would like to have a better understanding of the philosophy of the new government.

In recent months, the government has indicated on several occasions that it intends to scrupulously respect the division of powers set out in the Constitution. In fact, it used this argument to justify cuts to certain programs.

Can the Leader of the Government in the Senate tell us whether the government intends to formalize this approach through legislation or some other means, in order to limit the federal government's spending authority, or pass legislation to contain that authority itself by allowing the provinces to opt out of any new federal programs in areas of exclusive provincial jurisdiction, with full compensation?

• (1420)

[English]

Hon. Marjory LeBreton (Leader of the Government): I will take that question as notice. The whole question of provincial rights and jurisdiction is one that the Prime Minister campaigned on: issues such as fiscal imbalance and recognizing certain unique characteristics of the different jurisdictions, UNESCO being a case in point for Quebec.

In terms of the details of the honourable senator's question, Minister Flaherty has met with the various ministers of finance. Minister Chong and now Minister Van Loan have been working on the federal-provincial side. I will attempt, as much as I can prior to the development of the budget to give the honourable senator at least some broad direction of where the government is going in this particular area.

[Translation]

Senator Fox: How does the government intend to formalize this approach? As the minister is aware, millions of Canadians are currently taking advantage of highly progressive social programs that the federal government brought in by exercising its spending authority in areas of provincial jurisdiction, but often with the provinces' agreement.

Can the minister at least tell us whether, in her discussions with her colleagues, she would endorse the position of an eminent Prime Minister of Canada who, on the occasion of the Meech Lake Accord, said that if any province opted out, that province would first have to put in place a measure compatible with the national objectives?

In Canada, for example, people in several provinces do not have catastrophic drug coverage. It would likely take action by the federal government to implement such a program. But if the current government persists in thinking that it has to respect provincial jurisdictions, some Canadians will never have the opportunity to take advantage of the catastrophic drug coverage in place in Quebec, for example. This is an especially important issue for the provinces in Eastern Canada.

[English]

Senator LeBreton: There have been many examples in the past of the federal government opting out and respecting provincial jurisdictions in certain areas. The most glaring one was under the government of Lester Pearson: the Quebec Pension Plan versus the Canada Pension Plan. These areas are all negotiated at the federal-provincial level.

Since the honourable senator raised the issue of catastrophic drugs and our health care system, there is no question that the committee of which Senator Kirby was chair and I was deputy

chair spent some time on this matter and came up with a formula on catastrophic drugs. Then Mr. Romanow, with his study that was much more expensive than the Senate study, did a "me, too," and had a reference to catastrophic drugs put in his report.

In the case of health care, the federal government supports the five principles of the Canada Health Act. As we know, the delivery of the system varies from one jurisdiction to another in terms of what some provinces cover. This issue is all a matter of thought for the provincial and territorial the ministers of health when they meet next week with Minister Clement.

As I said in my earlier answer, if I am able to provide a broad definition of area that the honourable senator questioned me about, I will be happy to do so.

• (1425)

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE— SEARCH FOR NEW COMMISSIONER

Hon. Marcel Prud'homme: Honourable Senator Fox, my old friend, was quick on his feet to ask a question of the minister. I thought he was asking a supplementary question about the search for a new RCMP Commissioner. I did not agree with the questioning by Senator Austin. My question to the Leader of the Government in the Senate would be in the form of a proposal.

Last night I listened to the House of Commons until after midnight. I had a shock listening to some of the views in the House of Commons last night. I encourage you all to listen to the speeches made last night. If you do not become sick, come and tell me.

Having said that, I would make a proposal in the same line that I did for the accountability bill when we talked about protecting the rights of the Senate. Would it not be wise for the Prime Minister, in the process of consultation to appoint the next Commissioner of the RCMP, to have a talk, a conversation — not a directive — with all the ex-solicitors general who dealt with the RCMP? I talk to you seriously; commissioners often lie through the eyes of solicitors general, both Conservative and Liberal. One of those solicitors generals is here and he can challenge me. I have experienced that in my 43 years.

Would it not be wise to ask the Prime Minister — not to "consult", I do not like that word — to have an exchange of views with Senator Fox, former Senator Kelleher and many others who have had the experience of dealing with the RCMP everyday.

Senator Oliver: Elmer MacKay.

Senator Dawson: Warren Allmand.

Hon. Marjory LeBreton (Leader of the Government): That is an excellent suggestion.

Senator Rompkey: Perrin Beatty.

Senator LeBreton: I do not know whether the Prime Minister will follow the suggestion, but it is an excellent one and I will be happy to follow up on that.

HERITAGE

LOCATION OF NATIONAL PORTRAIT GALLERY

Hon. Jim Munson: Honourable senators, I have a question for the Leader of the Government in the Senate.

It has been widely reported that the government is considering moving the National Portrait Gallery to Calgary. Can the minister confirm that this change is contemplated? If so, can she tell us why? Is it part of the government policy to take national institutions out of the nation's capital —

Senator Tkachuk: It is part of Canada.

Senator Munson: Or is it only a “one-off” to please the Prime Minister's constituents?

Senator Rompkey: Or Jason Kenney?

Hon. Marjory LeBreton (Leader of the Government): Senator Fortier joked it was going into Vaudreuil.

Honourable senators, at the moment, there is nothing to move. The National Portrait Gallery is not a unit that can be moved because it has not been built yet or formulated.

Senator Rompkey: Shame!

Senator LeBreton: This move is all speculation in the media. At this point in time, it is speculation only and we will stay tuned.

Senator Munson: I will “stay tuned.”

Along the lines of speculation, can the Leader of the Government comment on the idea that it may be in the head office of the EnCana corporation? Does the government think it is appropriate to put major national institutions of this importance into corporate head offices?

Senator LeBreton: I heard about the speculation in the *Ottawa Citizen*, compliments of Marion Dewar's son, Paul Dewar. I had not seen speculation of it being in Calgary. I had not seen speculation about where it would be located.

I will say again, Senator Munson, I will not respond to speculation and I will be happy to answer questions if and when a decision is made on the National Portrait Gallery.

Senator Fraser: After? That is too late.

Senator Munson: The Leader of the Government in the Senate said “if and when.”

Senator LeBreton: If and when a decision is made.

Senator Munson: I assume a decision would have to be made. Can she tell us when the decision might be made?

• (1430)

Senator LeBreton: I said if and when a decision is made. I do not know what the decision may be; nor do I know where the gallery will be located if, in fact, there is one. All I can say is that I will be happy to answer the honourable senator's question when I have further information.

Senator Austin: Ask the Minister of Public Works.

Senator Fortier: You missed your chance.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting, in both official languages, delayed answers to the oral questions raised by the Honourable Senator Hays on November 7, 2006, regarding the beef importation quota, issuance of supplemental permits, and by the Honourable Senator Carstairs on November 21, 2006, regarding the program cuts to the Secretariat on Palliative and End-Of-Life Care.

AGRICULTURE AND AGRI-FOOD

BEEF IMPORTATION QUOTA—
ISSUANCE OF SUPPLEMENTAL PERMITS

(Response to question raised by Hon. Daniel Hays on November 7, 2006)

The Government is following the developments on the re-opening of the US market to cattle over 30 months very closely. We agree that once the border is re-opened and the market normalizes, the Government, in consultation with the beef industry, will need to review the supplementary import policy.

Import permits for beef are issued by the Export and Import Controls Bureau in the Department of Foreign Affairs and International Trade (DFAIT). On April 26, 2004, a supplementary import policy for beef and veal was announced by the Government of Canada in order to support domestic beef and veal producers facing the challenges and uncertainty brought on by BSE. This policy was intended to deal with exceptional circumstances where neither the needed product nor a close substitute was available in Canada at a competitive price. It was also consistent with the recommendations made by the Ad Hoc Beef Industry Committee, of which the Canadian Cattlemen Association (CCA) is a member. As a result, only three supplementary import authorizations have been issued under the present supplementary import policy for a total amount of 154,757 kg.

Issues related to the administration of the beef TRQ and the supplementary import policy are discussed at joint meetings of the Ad Hoc Beef and Veal Industry Committee and Tariff Rate Quota Advisory Committee co-chaired by representatives of Agriculture and Agri-Food Canada and DFAIT. These committees have traditionally provided useful advice to government concerning the policy objectives and administration of the beef TRQ and supplementary import policy.

It is expected that these committees will reconsider the existing policy on supplementary import permits once the US border is fully reopened to Canadian cattle and beef. Any result will need to reflect the integrated nature of the North American beef market. An integration that

includes not only producers and primary processors, but also Canadian secondary processors which require access to competitively priced inputs if they are to compete with American-based firms.

The willingness of the beef industry to work together to find mutually beneficial solutions is one of the competitive advantages of the Canadian cattle and beef industry. The Government trusts that the CCA will continue its active participation in this process and contribute to the development of a comprehensive policy that will serve the interests of all stakeholders.

HEALTH

PROGRAM CUTS TO SECRETARIAT ON PALLIATIVE AND END-OF-LIFE CARE

(Response to question raised by Hon. Sharon Carstairs on November 21, 2006)

This government, and indeed Minister Clement, is committed to ensuring quality health care for all Canadians, including palliative and end-of-life care. Further, this government is appreciative of the important work of all Canada's volunteers.

Senator Carstairs continues to allude to palliative care budget cuts within Health Canada, and this misconception should be clarified.

Health Canada provides support for palliative care through the Secretariat on Palliative and End-of-Life Care. The Secretariat's budget is determined on a year-by-year basis by allocation from within departmental resources. The five working groups under the Secretariat are aware that funding is not ongoing and that there is no pre-set annual budget. Consequently, it is inaccurate to refer to this budget as having been "cut". Funding to the Secretariat has no connection to the government's September announcement of budget reductions to certain programs.

Further, this year, along with a range of other health care priorities, the government continues to support the Secretariat as it works with the palliative care community to implement national-level enhancements to Canada's infrastructure for end-of-life care. For example, Health Canada is working with the Canadian Virtual Hospice to build an interactive website for researchers to help improve the capacity in Canada for palliative care research. Work is also underway with the Canadian Association of Schools of Nursing to secure consensus on palliative care competencies for nurses, which can be used by nursing schools to improve curriculum and thereby enhance the quality of palliative care in Canada. In addition, the Secretariat is working with stakeholders to determine the information needed to better understand palliative care. This will help policy makers, program managers and health care providers make more informed decisions regarding palliative care.

Senator Carstairs has also posed questions regarding federal funding to palliative care volunteers. Senator Carstairs has implied that the Secretariat houses a program for palliative care volunteers, a program to which funding has been cut—this is misleading. There is no program for palliative care volunteers embedded within the Secretariat; however, facilitated by the *Best Practices and Quality Care Working Group* under the Secretariat, funding has been provided to external recipients for past work on this issue. A proposal requesting funding for further work in this area is currently under consideration with Minister Clement. A decision regarding this proposal should soon be provided to the applicant.

In addition to funding provided through the Secretariat, the federal government supports palliative and end-of-life care through other means. Other important initiatives funded by Health Canada include the \$1.2 million *Educating Future Physicians in Palliative and End-of-Life Care*, the \$750,000 *Teaching Interprofessional Collaborative Patient-Centred Practice Through the Humanities*, and the \$4.3 million *Pallium Integrated Care Capacity Building Initiative*.

Furthermore, Human Resources and Social Development Canada is administering Employment Insurance Compassionate Care Benefits which allow Canadians to take time away from their jobs to care for gravely ill loved ones. Such federal initiatives are enhancing Canada's capacity to handle end-of-life issues.

TAX CONVENTIONS IMPLEMENTATION BILL, 2006

MESSAGE FROM COMMONS

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons returning Bill S-5, to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, and acquainting the Senate that they have passed this bill without amendment.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that, when we proceed to Government Business, the Senate will address the items beginning with Item No. 3 under "Reports of Committees" followed by the other items in the order in which they stand on the Order Paper.

[English]

FEDERAL ACCOUNTABILITY BILL

MESSAGE FROM COMMONS AND MOTION TO CONCUR—REPORT OF COMMITTEE

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Legal and Constitutional Affairs (motion and message concerning Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability), presented in the Senate earlier this day.

Hon. Donald H. Oliver moved the adoption of the report.

He said: Honourable senators, I am pleased today to rise to speak to the eighth report of the Standing Senate Committee on Legal and Constitutional Affairs.

As I said in my third reading speech, the study of Bill C-2 has been one the most incredible legislative experiences of my life. I said this because, in the day-to-day discourse of the political intrigue of this place, we often forget to see the forest for the trees.

Honourable senators, the proposed federal accountability act, aside from being one of the most sweeping pieces of accountability legislation ever introduced in Canada, will be one of the most impressive pieces of accountability legislation in the world. To play an active part in the development and passage of such legislation is indeed humbling.

Because some of the language in the report is a somewhat technical, I should like, with honourable senators' permission, to provide some background as to how we got to where we are.

The order of reference required the committee to consider the motion of the Honourable Senator LeBreton in relation to the message from the House of Commons concerning Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability. Bill C-2 is more commonly known as the proposed federal accountability act.

An amendment to the motion in the Senate referred the actual message from the House of Commons to our committee, as well as a report dated December 7, 2006, which is today.

Let me begin by saying that Bill C-2 received first reading in the House of Commons on April 11, 2006, and was passed by that House on June 21. The bill received first reading in the Senate on June 22 and was referred to our committee on June 27, the day we commenced our hearings.

Over several months, the committee heard from in excess of 160 witnesses and spent more than 100 hours studying the bill. In our report, presented on October 26, 2006, the committee recommended 156 amendments to the bill, and further amendments were made at report stage and at third reading.

With respect to the message from the House of Commons, our committee had to deal with amendment numbers that were referred to in the amendments adopted by the Senate at all stages.

In our fourth report, our committee made 156 amendments to the bill, C-2. Additional amendments were made to the report at third reading. Therefore, the message from the House of Commons to our committee dealt with 158 amendments.

In this message, the House of Commons agreed with the Senate to about 53 or 54 amendments, numbered from 1 to 158. Consequently, none of those amendments was before our committee.

The House of Commons rejected another 70 or so, numbered from 2 to 157, and Senator LeBreton's motion requested the Senate do not insist on those amendments.

Finally, the House of Commons agreed with the principles set out in parts of amendments 29, 98 and 153 but proposed revised wording to those amendments. Senator LeBreton's motion asked that the Senate concur in the House of Commons amendments.

In looking at the eighth report that was tabled today, honourable senators will see a sentence that reads, in part:

That the Senate concur in the amendments made by the House of Commons to its amendments 29, 98, 153 to Bill C-2...

That explains that section.

Honourable senators, as chair of the Standing Senate Committee on Legal and Constitutional Affairs, it has been my privilege to work with all the senators on the committee as we sailed through the sometimes tumultuous waters of reviewing the proposed federal accountability act.

The story of how the federal accountability act came to be is one that is rooted in the people of Canada. In January 2006, when Canadians elected the new government, Canadians expected the new government to honour its promise to introduce comprehensive accountability legislation to address the concerns of many Canadians that the federal government had lost touch with Canadians in respect to openness, transparency and accountability. Our government did just that. It delivered on its commitment to make government more accountable.

As honourable senators know, for the last several years, accountability and transparency was a common theme and topic of discussion among Canadians. The benefits of this proposed legislation are many and those benefits will help to assuage the concerns of many Canadians, to help restore the faith people have in the federal government.

For example, honourable senators, once this legislation is enacted, Canadians will find that more government agencies and foundations will be subject to the Access to Information Act and the Privacy Act than ever before. It will give Canadians more access to how their tax dollars are spent and how decisions on how their tax bill dollars are actually made.

Whistle-blowers will have new protections so that, when brave individuals who uncover wrongdoings come forward with information, they can do so without fear of undue reprisal.

The director of public prosecutions will be created to enhance the federal prosecution service and that will remove this part of the administration of justice from possible interference.

Procurement and audit functions with the federal government will be strengthened to restore the trust Canadians have in how their money is spent and to ensure that the government receives the best value for money.

The Auditor General will receive new powers to allow her to better follow wrongdoing and to give her more power to shine light on where there has been darkness.

New political donation limits will be imposed to ensure that big money does not influence the political corridors of Ottawa.

• (1440)

Honourable senators, it is important to note too that in the spirit of co-operation and negotiation taking place over the last few days, the Senate of Canada will retain its independent Ethics Officer in its current form.

Honourable senators should note that the government in the spirit of co-operation and compromise agreed to delete amendments pertaining to the Senate Ethics Officer. The government also agreed to remove both the House of Commons and the Senate from what are called "public sector entities." These compromises signal a level of co-operation on the part of both the government and the opposition to ensure that the proposed federal accountability act becomes law so that the confidence Canadians have in their government can be restored after years of erosion. The federal accountability bill is a ground-breaking piece of proposed legislation. We should be so proud that we have such a bill before us that will serve as a model to the world for openness, transparency and accountability.

As I did in my third reading speech on Bill C-2, I wish to thank again many of the people involved in the execution of this legislation. First, I would like to thank the Clerk of the Committee, Mr. Gérard Lafrenière, and his entire staff; the team at the Library of Parliament for their exceptional hard work and support provided to the committee throughout many late evenings — sometimes through an entire night. Honourable senators, we could not have accomplished this work without their support.

I also want to thank Treasury Board officials, Mr. Joe Wild and Ms. Catrina Tapley, and Mr. Michel Patrice from Senate Legal Services, for their clear explanations on proposed amendments, which greatly aided our two-day clause-by-clause marathon.

I thank as well literally dozens of departmental officials who gave up many evenings to be available to the committee for the clause-by-clause process. I also thank many colleagues opposite, such as Senator Zimmer, Senator Baker, Senator Ringuette, Senator Milne, Senator Cowan, Senator Joyal and many others who sat in on the deliberations. They worked long hours, gave up time with family and friends and underwent a gruelling schedule for the committee's study of the government's number-one-priority piece of proposed legislation.

I also thank Senator Day, in particular, who, as the opposition critic, devoted hundreds of hours to Bill C-2. He worked with me tirelessly to ensure that the wheels of this process kept turning. I thank him for all his hard work and dedication to make the federal accountability bill a better piece of proposed legislation.

I also want to thank the Senators on the government side who, like their Liberal counterparts, went above and beyond the call of duty in their analysis of Bill C-2. I refer specifically to Senator Andreychuk, Senator Nolin, Senator Comeau, Senator LeBreton and lastly, Senator Stratton, who I single out for exceptional work in my third reading speech. The Bill C-2 process was unlike one the Senate has ever seen before. The people who worked on this bill are certainly entitled to our thanks.

Honourable senators, I was deeply honoured to have been part of the process to enact the federal accountability bill.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, speaking to the motion, let me begin by thanking and congratulating Senator Oliver, Chairman of our Standing Senate Committee on Legal and Constitutional Affairs, for his good work as Chair and also for his speech and his comments, in particular those that related to the government's position on the Senate Ethics Officer.

I also congratulate the Deputy Chair, Senator Milne, and our critic, Senator Day, and all senators who served on the committee. Senator Oliver described the enormous amount of work that has been put into Bill C-2. Of course, the bill is still on the minds of honourable senators.

We have reached a crossroads today in the long process of our examination of Bill C-2, the so-called "new government's" so-called "accountability act." This process has been both a satisfying one and a disappointing one for me, particularly as a long-serving member of the Senate who strongly believes in the role of a second chamber in a federal system of democratic government.

I say "satisfying" because we have faithfully performed our role as a chamber of sober second thought in correcting obvious errors in the proposed legislation. In that role, we have also brought to the attention of the other place, and Canadians, the glaring deficiencies in this bill that prevent it from fully living up to its name. Some 50 of our amendments have been accepted by the government and members of the other place. Unfortunately, these amendments have been primarily to correct drafting errors and hence my disappointment that our more substantive amendments were, by and large, not given serious consideration. However, it would be difficult not to agree that what we have achieved so far has certainly improved Bill C-2.

As we prepare to send our message to the other place, I believe it would be useful to highlight some of the serious flaws that still remain. Though the government has finally shown its willingness to accept some of our amendments dealing with the constitutional realities of a bicameral system of government, I am nevertheless disappointed that on some major accountability issues, the government failed to respond in a reasonable way.

When I last spoke to Bill C-2, I spent time on the gift provisions contained in the bill. I want to re-emphasize my arguments so that there can be no misunderstanding in the public about what the government demands as we approach the third anniversary of the Right Honourable Paul Martin's cancellation of the sponsorship program.

On December 12, 2003, Paul Martin's first official act as the new Prime Minister of Canada was the cancellation of the sponsorship program. Through the Gomery Commission, which he established, we learned much about the myriad relationships that existed between the private and public sectors and what their results could be. In a chapter entitled "Politics and Friendship," Justice Gomery wrote about the relationship between Mr. Chuck Guité, a senior official in the Department of Public Works and Government Services Canada, and Mr. André Gosselin, of Gosselin Communications. Mr. Gomery said:

It is safe to conclude that their friendship was at least one of the reasons for the sudden prosperity of Gosselin Communications and the Gosselin family.

Given this finding, it is incomprehensible to me why the self-styled new Government of Canada continues to insist that senior government officials be allowed to accept gifts from friends. Bill C-2 would allow ministers and other public office-holders to accept expensive gifts, including gifts that appear to have been to influence their behaviour. As drafted, no one need be told anything — not the new Conflict of Interest and Ethics Commissioner and not the public.

[Translation]

In the current version of the conflict of interest bill, clause 11 provides that no public office holder shall accept any gift that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function unless the gift is given by a relative or friend.

[English]

In other words, even if a gift might reasonably be seen to have been given to influence an office-holder, it can be accepted so long as it is from a so-called "friend."

Sections 23 and 25 of the proposed accountability act provide the general rule that gifts worth \$200 or more must be disclosed to the commissioner and entered in the public register so that everyone can see who is giving expensive gifts to public office-holders. However, gifts from friends are specifically exempted from any disclosure.

[Translation]

The Senate's amendments attempted to change that situation. First, we amended subclause 11(2) to limit acceptable gifts to those from close personal friends. Most importantly, we amended clause 23 and subclause 25(5) to require that any gift exceeding \$200 from someone other than a family member be declared to both the commissioner and the public.

[Senator Hays]

• (1450)

[English]

The government rejected these amendments, saying they were "an inappropriate intrusion into the private lives of public office-holders and their families."

We do not believe that the transparency we were proposing for the dealings of senior government officials was an inappropriate intrusion into their lives. In fact, we believe that it would be manifestly inappropriate for senior officials to be able to accept expensive gifts from their so-called "friends" without needing to disclose anything, even when such gifts could be seen as being made in order to influence the performance of their official duties.

Bill C-2 was presented to us and to the Canadian people as necessary to prevent another sponsorship affair. However, in the sponsorship affair, as Mr. Gomery pointed out, there were many "friends." Under the provisions the government insists on keeping in the bill, a minister or senior public servant will lawfully be able to accept gifts worth thousands of dollars, even ones that most Canadians would consider as having been made in order to buy influence.

The government needs to provide a better explanation to Canadians how this loophole they have created for their most senior members strengthens transparency and accountability and why they are so determined to protect it from any amendment. That this glaring loophole is intentional, and not merely inadvertent, is reinforced by how the government is limiting the definition of "conflict of interest."

For more than 20 years, Canadian prime ministers have required their ministers and other public office-holders to avoid not only so-called real conflicts of interest but also potential and apparent conflicts of interest. Bill C-2 would change this. For the first time in decades, ministers and other public office-holders will be permitted to make decisions and participate in decision-making, for example, around the cabinet table, even where they are in a potential or apparent conflict of interest.

Furthermore, by virtue of section 16 of the proposed conflict of interest act, ministers and other senior officials will be able to personally solicit funds from individuals or organizations, even if it will place the official in a potential or apparent conflict of interest. For the first time in over 20 years, the only issue of concern will be whether the public office-holder is in a so-called "real" conflict of interest; potential and apparent conflicts are henceforth to be ignored.

As I have already described, it will be perfectly acceptable for a minister or senior official in Prime Minister Harper's government, or any Prime Minister's government — this stays as it is — to accept secret gifts from so-called "friends," be they new-found friends or even lobbyist friends; there is no limitation. Had apparent and potential conflicts of interest remained in the definition, the ability for a senior official to accept such gifts would have been circumscribed, because a gift from a lobbyist would certainly put a public office-holder in a potential conflict of interest in the eyes of most Canadians. However, as I have already described, Canadians will never know about such gifts.

Bill C-2 was presented by Minister Baird as going "farther than any government has ever proposed." Canadians, therefore, had a right to expect that ministers and other senior officials serving the Prime Minister would be held to at least as high a standard as that applied by previous governments. The reality is, by eliminating all references to potential and apparent conflicts, the standard has been seriously eroded.

We amended the bill to return potential and apparent conflicts of interest to the rules governing the behaviour of senior government officials. The government rejected our amendments. It said the amendments "would undermine the ability of public office-holders to discharge their duties."

We do not believe Canadians want their ministers and other senior officials to "discharge their duties" when they are in a potential or apparent conflict of interest. For this government, however, apparent or potential conflicts of interest are totally irrelevant to how government should operate. Again, Canadians will never know, because everything will be done in secret.

This obsession with secrecy is displayed not only in how the government treats gifts to senior public officials, and their day-to-day dealings with the media, but also in its determination to limit the freedom speech of parliamentarians themselves.

Section 44(5) and (6) of the proposed conflict of interest act are designed to muzzle parliamentarians if a member of the public tells them about possible unethical behaviour committed by a cabinet minister or other senior government official.

Although Bill C-2 does not expressly allow members of the public to lodge complaints with the Conflict of Interest and Ethics Commissioner, it does provide that they may bring such complaints to members of the Senate and House of Commons. However, if a parliamentarian receives such information from the public, "the member, while considering whether to bring that information to the attention of the Commissioner, shall not disclose that information to anyone." Furthermore, if the parliamentarian does not bring that information to the commissioner's attention, subsection 44(5) goes on to provide that "the member shall not disclose that information to anyone until the Commissioner has issued a report."

There is no requirement that the commissioner issue a report within a certain period of time. The prohibition would apply only to parliamentarians and not to anyone in the general public or media.

Amendment 19 made by the Senate removed this gag order. Senators, on the advice of our law clerk, concluded that the provision infringed on the fundamental parliamentary right of freedom of speech and was the antithesis of transparency and accountability.

The government rejected this amendment, claiming that it would "deter the public from bringing matters to the attention of...a member of either House, create unfairness to individuals who are subject to complaints whose merits have not been substantiated..."

What this provision actually undermines is the freedom of speech of all parliamentarians and the ability of parliamentarians to discuss with anyone, including their parliamentary colleagues privately or the general public openly, information they receive

about alleged wrongdoing committed by the most senior of government officials. It is still not clear to us how this gag order would promote transparency and openness in government.

[Translation]

From a practical point of view, this measure could in fact discourage members from contacting the ethics commissioner to pass on information about an alleged wrongdoing because, in doing so, they would immediately lose their freedom of expression. Members would maintain that freedom of expression if they raise the same allegation on the floor of the House or with the media instead of contacting the commissioner.

[English]

This gag order is but another unfortunate example of provisions that would deter openness and accountability instead of enhancing it. As in so many other instances, when it comes to this legislation, the government's refusal to give serious consideration to our amendments makes me question whether Bill C-2 is about accountability or whether it is primarily a public relations exercise. However, this is something Canadians will have an opportunity to judge in the not-too-distant future.

Honourable senators, the members of the other place are directly accountable to Canadians in a way that we are not, and we are mindful of that reality. We are also mindful that the current government did receive a mandate from the electorate, albeit a very tenuous minority mandate. It is for those reasons that we believe we have gone as far as we can in bringing much-needed improvements to this legislation.

Unfortunately, notwithstanding the improvements we have successfully made to Bill C-2, it remains a badly flawed piece of legislation that will undoubtedly need to be revised by future governments. This is regrettable for Canadians, who were promised more.

Hon. Joseph A. Day: Honourable senators, listening to Senator Hays reminds me of a wonderful opening line to *A Tale of Two Cities* by Dickens, when he says, "It was the best of times, it was the worst of times." This is the best of legislation, but the legislation and the policy that it purported to cover has a long way to go yet.

Honourable senators, this is my sixth time speaking on this particular bill. When I spoke previously, I had indicated that there was confusion with respect to the numbering of the proposed amendments. I had before me at that time a document that numbered all of the amendments that came out of our committee.

At report stage and third reading debate, other amendments were put forward, as my colleague has indicated. Therefore, the numbering was changed. The numbering is consecutive, so the amendments were not just added at the end.

There was no confusion with the numbering that went from here to the House of Commons. If I misled honourable senators by pointing out my confusion, I apologize. If I in any way have suggested that the very capable work of our table officers was lacking, I apologize, because that is certainly not the case.

• (1500)

Honourable senators, let me join Honourable Senator Oliver in thanking all of the members of the committee and all of the support staff who helped us with respect to this monumental piece of proposed legislation.

Honourable senators will know, having heard that there were over 150 proposed amendments, that this was not a piece of legislation that we would normally see in this place. This was not good legislation. It was not well-drafted legislation. It was hurriedly drafted and we had a significant amount of work to do to improve upon it.

Honourable senators, I believe we have done so; I believe we have improved upon the legislation. The fact — I hope — that over 90 of the amendments that were proposed by this chamber will be accepted — including these amendments. If the amendments in this report that we are sending back to the House of Commons are accepted, along with the previous ones, then more than 90 amendments will have been agreed to between this chamber and the other place — but the amendments were initiated here. I think that is justification for the tremendous amount of work that our committee has done on this particular matter.

Some Hon. Senators: Hear, hear!

Senator Day: Honourable senators, the legislation is still not perfect, as has been pointed out by Senator Hays; Bill C-2 is still not even really good legislation. However, given the parameters within which we had to operate, given the political realities, given our role in a bicameral system, two chambers with different priorities and different pressures, I believe we have the best legislation that we could get under those circumstance and those constraints.

We will be disappointing many people. We are leaving on the table many amendments that our committee believes — and I certainly believe — would be very good policy initiatives, but we could not get everything in this particular round with Bill C-2. However, there will be other opportunities.

Those who have been following our deliberations will be disappointed — for example, some of the witnesses who came before us and who had hoped that we would be able to achieve some important changes with respect to whistle-blowing legislation. Joanna Gualtieri made some wonderful suggestions in that area. Democracy Watch came before us. They were encouraged — and encouraged senators and members of the House of Commons to support those amendments that we had proposed.

Honourable senators, there are Officers of Parliament who came before us and asked for changes. We incorporated much of what they had recommended. The Information Commissioner suggested some changes. We heard again from that office, and they were supportive of some amendments; they were not supportive of others. Even some of those they supported will not be accepted at this particular point of time.

The Public Service Integrity Officer, who looks after whistle-blowing legislation, had recommended some changes. The Privacy Commissioner of Canada recommended changes, and we

incorporated some of those. These are ideas that came from Officers of Parliament who work in this area every day and are very knowledgeable but who were not even consulted before this legislation was drafted. Those individuals — all of them — will be disappointed.

Mr. Justice Gomery will be disappointed with this legislation if it purports to be legislation that deals with the matters that he raised and the recommendations that he made with respect to his investigation into the sponsorship program.

Honourable senators, there will be opportunities to continue to follow these issues. We recognized that ultimately, in a political system, there would be compromises made. Our report from committee, with observations, well outlines further initiatives that should be taken that we were not taking in this particular legislation, because of the political realities, but items that still need our attention.

I am hopeful, honourable senators, that we will continue to follow up on those issues.

In the lobbyist legislation, there is a built-in five-year review that is still there. The current government was not prepared to wait for that five-year review, but it will be coming and we will have an opportunity for review at that time.

With respect to the whistle-blower legislation, honourable senators will know that the earlier legislation that was passed, Bill C-11, was not proclaimed even though it had received Royal Assent. What we were dealing with were amendments to an unproclaimed act. There will be opportunities there for us to, again, look at that legislation. We left many important initiatives and pieces of policy legislation on the table.

In the Canada Elections Act, there is a built-in review by the Chief Electoral Officer after an election. The CEO is in the process of doing that now. This legislation did not wait for his report, but his report will be forthcoming and we will have an opportunity again to bring out our file and dust it off and look at those items that we looked into with such detail. We have a clear explanation of where we believe we should go in relation to those.

Honourable senators, we handled this matter by putting all the amendments into categories. Parliamentary privilege to maintain the integrity of this institution so that we can deal with matters in the future seemed to us to be the most important amendments that required our top attention. I am pleased to say that we were successful in achieving many of those.

The Senate's parliamentary role we were less successful in achieving. Where the House of Commons had a role, we thought the Senate should have a role. We were less successful in that regard.

We had several policy initiatives that we felt would have improved this bill even more. We had many witnesses come to us who wanted us to go into areas such as access to information, whistle-blower legislation, lobbying and procurement, where we were constrained by virtue of the fact that Bill C-2 did not open up the entire other piece of legislation. Bill C-2 referred to almost 100 pieces of legislation but only opened up those pieces of legislation in certain areas, so that we could not go as far as we

wanted to go in Bill C-2 to make the further amendments. However, we did document the concerns of witnesses and we have a good record of our deliberations and the issues that we felt require further initiative.

I am hopeful, honourable senators, that we will take that initiative.

In saying that our work is not done and that there are some disappointments by many of us and many others, I do not wish to neglect to compliment our committee, the Standing Senate Committee on Legal and Constitutional Affairs, and this chamber for a job well done.

I respectfully request, honourable senators, that under the circumstances you support this report.

Hon. James S. Cowan: Honourable senators, I am pleased to rise today to support the bill as it now stands before this house and the amendments that are proposed.

As we said from the very beginning, all of us support the objectives of this legislation. In our view, we would be well served if this piece of legislation were passed in its present form, imperfect as it is.

• (1510)

Much work has been done in committee and in this house to improve the bill, and we should all be proud of our efforts in that regard.

Having said that, honourable senators, our work has fallen on deaf ears in the other place in some areas. For whatever reason, some important amendments arising from the work of the committee and of this chamber did not find support in the other place. Specifically, the amendments proposed to strengthen protection for whistle-blowers would have further improved this bill and brought it closer to realizing its stated objectives.

What are those stated objectives? Much has been said about how the proposed accountability act was born from the Conservative Party's most recent election platform. Perhaps we could take a look at that document, which is entitled, "Stand up for Canada." I shall quote from a paragraph entitled "The plan:

A Conservative government will:

- Give the Public Service Integrity Commissioner the power to enforce compliance with the Public Servants Disclosure Protection Act.

That is the act that, as Senator Day said, has yet to be proclaimed even though it has been on the books for some time.

In fact the Public Service Integrity Commissioner, Dr. Keyserlingk, proposed amendments of his own, which senators on this side of the chamber proposed be brought into this legislation but which our friends on the other side and those in the other place removed.

We also read:

A Conservative government will:

- Ensure that whistleblowers have access to the courts and that they are provided with adequate legal counsel.

In fact, we introduced amendments to bring balance to the system, to increase amounts provided for legal services to whistle-blowers from \$1,500 to \$25,000. Senators on that side, supported by their colleagues in the other place, prevented this from happening.

Quoting again from "Stand up for Canada," it promised:

A Conservative government will:

- Ensure that all Canadians who report government wrongdoing are protected, not just public servants.

We on this side, supported by the Public Service Integrity Commissioner, introduced amendments that would support and bring into law that promise made by the Conservative Party in the last election. Those amendments were removed from this legislation. To that extent, we think there is much work that needs to be done to bring this legislation, which amends, as I said, the Public Servants Disclosure Protection Act, into line with the objectives that are supported on all sides of this house and, hopefully, on all sides in the other place and were the subject of specific, definite promises of the Conservative Party in the last election.

In a number of other areas, including expanding the definition of what constitutes a reprisal, providing longer time periods in which a whistle-blower may come forward to report a reprisal, putting the onus on the employer to prove that the action is not a reprisal, reversing the onus, senators on our side introduced amendments to protect whistle-blowers, and senators on that side have removed them.

We can always look to the testimony of the Member of Parliament for Nepean-Carleton, Pierre Poilievre, who said in committee in the other place that Bill C-2 seeks to remove cover-up clauses that were included in Bill C-11. In fact, just the other day, we heard from the Deputy Information Commissioner of Canada, Alan Leadbeater, quite to the contrary. Mr. Leadbeater supported the amendments that came from this house and said that they were in fact what the government had promised to do and what the Member of Parliament for Nepean-Carleton thought mistakenly that this bill did. Mr. Leadbeater preferred and would have supported the amendments we proposed. He felt that the removal of those amendments weakens the effect of this legislation and weakens the protection and the scope of the proposed act with respect to whistle-blowers.

Honourable senators, while we support this bill as it has been amended with all-party agreement, we do so with reservations. We recognize that currently in this country there is no whistle-blower protection regime in place, largely due to this government's unwillingness to proclaim Bill C-11, the whistle-blower legislation passed by the previous government.

In the interests of ensuring that we have at least some protection for whistle-blowers, we urge this house to approve this legislation in its present form. We do so with the reservations

on this issue that I have mentioned. Our work will not end here. We will continue to fight for these amendments in order to ensure that those who know of wrongdoing will be afforded the protection they deserve. We hope, when this bill is passed and receives Royal Assent, the government will proceed to proclaim Bill C-11, finally extending at least some limited protection to whistle-blowers.

In conclusion, I would add my words of thanks to my friend and colleague Senator Oliver for the leadership he provided during the rather tumultuous hearings of the committee. He is to be congratulated for the leadership he provided to the committee. I believe all who served on the committee did so in the sincere belief that they were working to advance the objectives on which we all agree. I hope we can return to those objectives and that we will be able to provide further protection, transparency, openness and accountability in our legislation.

I join with others in thanking all staff members who were able, somehow, to make sense of all the conflicting advice we were giving to them. We should proceed now to pass this accountability bill and take some measure of satisfaction from the fact that we have advanced to some extent toward the objectives to which we have all agreed. However, we will be back.

Hon. Serge Joyal: Honourable senators, I would be remiss if I did not use the opportunity afforded to us this afternoon to add my voice to those of my colleagues who have worked diligently on the study of Bill C-2, in its first inception, and on the message that we received from the other place some weeks ago, on which we are reporting this afternoon.

My colleagues have described some aspects of the bill on which we have a different perspective than has the government. I shall speak to the issues on which we share views. It is not common that we join together in this chamber to send a message to the other place. However, we did send one paragraph of the message to the other place with a united voice — specifically, the last paragraph of the message that we are sending, I hope this afternoon, to the other place.

The substance of the message that we in this chamber all agree to is that we want to maintain the Senate Ethics Officer because it is —

...of significant importance to the status and privileges of the Senate of Canada as a constitutionally separate and independent House of Parliament, and reflect the practice of other Westminster based parliamentary democracies...

Honourable senators, we are expressing two essential points in a united voice because we are all concerned by this. Some senators may not be concerned about whistle-blowing issues or access to information issues. It depends on where we concentrate our individual attention and expertise. Regardless of which side we sit on in this chamber, we are all concerned about and have a duty to understand the role and status of this house, because this house is essential to the democratic process of Canada as it is enshrined in the Constitution Act of Canada.

What are the two principles at stake in Bill C-2 with which we are concerned? The first principle is that we are the masters of our own house. Expressed in legal terms in old British law, the

principle is one of exclusive cognizance. It means we are the only ones that take care of ourselves. We should not suffer intervention from the executive government or courts. Those points are the nature of a Parliament.

• (1520)

Honourable senators, this does not date back to the 19th century because we were constituted as a country in 1867. This dates back to the 16th century in a famous commentary entitled, "The First Institute of the Laws of England" by Sir Edward Coke. He lived from 1552 to 1634.

It states:

...whatever matter arises concerning either house of parliament, ought to be examined, discussed, and adjudged in that house to which it relates, and not elsewhere.

It means we have to take care of ourselves no matter what arises concerning the deliberative and executive function of the Parliament.

One issue we need to deal with is the disciplinary function. We need to decide how to sanction a reprehensible conduct or how to deal with a senator who we decide to expel, as the Constitution provides. That function would be by a single vote of this house and not with the concurrence of the other House. It is essentially linked to our capacity to be the master of our own business.

Bill C-2 merged the two positions of commissioner for the conflict of interest in the other place with our Senate Ethics Officer. It is important that we have a system for conflict of interest, and that we have clear rules and a system to implement them through the standing committee that we are invited to form at each Parliament.

By accepting the original proposal of Bill C-2, we jeopardize the constitutional principle dating back to the origin of Parliament in the 16th and 17th century. The principle is enshrined in section 18 of our Constitution.

It states:

The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively...

Our Constitution established the powers and privileges of both Houses in a separate and autonomous status.

Honourable senators, I am pleased both sides of the chamber share the view that paragraph 4 of this report indicates that to the other place.

That principle is fundamental because the other place, being the elected chamber, being greater in number and carrying the political weight that our Constitution gives it, would definitely be tempted to intervene in matters of the functioning and the status of the commissioner if there were only one commissioner.

Imagine what would happen if the other place lost confidence in its commissioner, a commissioner we shared. Would we vote on a resolution to dismiss the commissioner even though we were

totally satisfied with the commissioner's performance? Imagine the reverse situation. If a majority in this chamber were dissatisfied with the performance of the commissioner to the extent that we would vote to censure the commissioner, we would send a message to the other place, and the other place may declare itself totally satisfied with the performance of the commissioner. You can imagine what would happen. It would be a nightmare scenario. We would go head to head with the other place.

That is why we must maintain the principle of separation. We must deal with our own affairs in the way we believe proper under the Constitution. Our approach should be different from that of the other place because we bring a second independent review to government legislation. We pronounce after the other place has pronounced. We approach the issues from a different perspective, a long-term perspective, because we have a longer tenure than members of the other place.

Honourable senators, by reaffirming those principles today in this report, we send an important message to the other place. Of course, as do other senators, I would have preferred that other weaknesses of the bill be corrected. This chamber is excluded from some of the consultation in the appointment process. You will recall that I have denounced that exclusion on many occasions in this place. There will be an opportunity to correct that. We will reintroduce the bill that proposes to give us equal status to the other place in terms of providing opinions in the appointments process.

I would also have liked to correct clause 44 of the bill, which imposes a limit on our freedom of speech, because freedom of speech is an essential right of all senators, as provided by the Bill of Rights 1689. That old British statute applies as much today as it did in the 17th or 18th century.

Honourable senators, at least we have maintained the fundamental constitutional right to be the master of the business of this place. I contend that whatever changes are brought to this chamber in the future, to function properly, it needs to maintain that status. Otherwise, it will be impossible for us to maintain our function to deliberate upon legislation and difficult issues that are brought to our attention.

I want to commend senators on both sides, particularly Senator Oliver, Senator Stratton and Senator Andreychuk, who have been diligent in the hearings on these issues. I also commend senators who have repeated their points of view throughout all the studies on the bill. I am happy, honourable senators, that we have maintained our essential role and that we have all shared in this work. That augurs well for the future of our chamber.

Hon. Norman K. Atkins: Honourable senators, I wish to compliment Senator Oliver, Senator Day, and the committee, for their work. In the early fall, they worked hard to deal with all the provisions of this bill.

I guess today one might conclude it is a win/win situation. The Senate has won, as Senator Joyal has mentioned. The government has won because they got their bill.

In their original recommendations, the committee came forward with a lot of amendments which were not accepted. I did not think they went far enough in dealing with some provisions of the bill. The government turned them down and sent the bill back.

• (1530)

There are provisions in this bill that I think will come back to haunt the government. The result would be very unfortunate for the country in terms of the way government manages the interests of the country.

To use one example, I will never understand why the Canada Elections Act was involved in this bill. It does not make any sense for them to reduce the \$5,000 limit on contributions. They turned the whole responsibility for elections into the hands of the public who will make the contributions now. I always believed that people who made a contribution, significant or small, to a political party were investing in democracy. Unfortunately, what they have done in this bill will I think come back to haunt them.

Honourable senators, the five-year provision on lobbyists does not make any sense to me. I think it should be challenged under the Charter. If it were, the Charter would turn it down. It is unfair for people to have to spend five years unable to perform in a way that they have been almost trained to do. These are provisions that, frankly, will come back to haunt us. While I am happy that this bill will go back to the House and be approved, I think we will live with the consequences for a very long time.

Hon. Marcel Prud'homme: The beauty of the Senate, for some, is in listening to each other and being convinced one way or the other. Today is not a victory for the opposition, and it is not a victory for the government. I think it is a victory for the institution we represent, and I am very proud to be part of it.

Some of my honourable colleagues are more attentive to details. Remember something that is written right on our walls: *Nihil ordinatum est quod praecipitur et properat*. Seneca says that nothing is well ordered that is hasty and precipitate. I could continue: Let reason prevail more than popular opinion. That was Mr. Trudeau's favourite, a quote from Cicero. All of this is written on the walls of the Senate chamber.

We did not reach perfection. I listened very attentively to Senator Cowan and others who participated. I would have preferred to see more debate on the whistle-blower legislation, but at least we have shown that the Senate can play its role.

Honourable senators, I sat in the House of Commons for close to 30 years. I was very proud. I sit now in the Senate and am very proud. I will never refuse to fight, if need be, with the House of Commons. Until Canadians decide otherwise, there are two parliamentary houses in Canada and each has a role to play. I am ready to bow to the House of Commons at times, but if we feel strongly, as we did with this bill, I think it is our duty first not to bow and second to explain to the Canadian population what this institution is all about. Either we believe in ourselves, in the Senate, in the institution, or we do not. If we do not, I wonder why we stay here and do not go back home. If we believe that Canada is comprised of two houses, one more in the front and the other more in the back, we can still say, "No, sorry, but we will not give in."

I have said before that perhaps we should bow on certain issues, some of which my honourable friend Senator Atkins would not agree with. We had the beginning of a discussion, and things could be corrected eventually.

I will vote in favour of this bill, even though I know it has not reached perfection. Before I do so, I want to thank Senator Oliver. I watched him either on TV or in the committee. All of the senators who participated on the committee did so seriously and with a lot of patience. That is what this institution is all about. It is about listening to each other. Sometimes I feel partisanship can take over, and I do not like that. If someone makes a good point, I will shake their hand and tell them so. That does not mean I fly by night to change an opinion, but on this bill, I think the opposition did great work. The government stood by their side, and intelligence prevailed. They realized that we can talk with the House of Commons.

By the way, while I have been speaking, a vote has taken place in the House of Commons. The result was 175 to 123 not to revisit the same-sex marriage question. Many ministers of the Crown voted not to revisit that matter. I like the words "Minister of the Crown" because I became a member of the Queen's Privy Council by her own hand, thanks to a friendship with those who recommended me.

I watched the whole debate last night on the same-sex marriage motion. If you could not watch, I suggest that you do. Some of you will become sick to your stomach. For a while, I thought that Jesus Christ was back on Earth, or his representatives. I did not agree with some of the speeches. Having said that, I do not want to become partisan. I am very happy we voted for it.

Perfection is not present in this bill, but let the universe unfold. With time, you will see that some of your strongly held views may materialize themselves. I thank those who worked hard and saw that the government could accept some things the Senate wanted and gave in to other things. I am honoured and happy to be part of this institution.

If need be, I am ready to face the television cameras any time. They will not ask me because, once they give me a mike, I never leave it. However, if they want to have a nice debate on the role of the Senate, I am ready to defend this institution.

You have done good work, both of you, and I am proud to have listened to the well-expressed views of colleagues and to be voting for this bill, as imperfect as it may be in the eyes and ears of some of my colleagues.

Hon. Marjory LeBreton (Leader of the Government): I thank all honourable senators who participated in the debate today, including the last remarks of Senator Prud'homme notifying us of the vote in the other place on the same-sex marriage motion. I, too, listened to some of the debate last night. Even though I found myself in disagreement with some people, I did not find myself offended because, in my view, they have a right to their opinions. That is what a parliamentary democracy is all about. They have as much right to express those opinions as we have to express others. That is parliamentary democracy.

• (1540)

Senator Prud'homme: I agree. I want to put on record that I agree with Senator LeBreton.

Senator LeBreton: Thank you, Senator Prud'homme.

Honourable senators, today is indeed a historic day in our chamber. I stand before you, after all this time, proud in knowing that we are about to send an important message to the other place regarding the federal accountability act, Bill C-2, an act that when finally passed will usher in a new era of accountability in Canada.

Since our government's election in January 2006, we were determined to deliver on this promise to implement the most sweeping accountability legislation this country has ever seen. Honourable senators, our chamber has played an important role in shaping this legislation and in helping the government make it even better.

I am thankful to all those involved in developing this legislation and I am confident that Canadians will be proud of the work we have all done in developing and passing this legislation.

When we received the message from the other place, which did not agree with many Senate amendments on Bill C-2, senators from all sides went to work to seek common ground. Senators on the Standing Senate Committee on Legal and Constitutional Affairs went back to work to review the amendments and the work that they had completed, in a spirit of cooperation in an effort to find compromise upon which we could all agree.

As honourable senators will know, this bill is the first major piece of legislation Canada's new government introduced and it remained the government's number one priority. I am pleased to say that today's report represents a thorough examination by the Legal and Constitutional Affairs Committee, which met 31 times to listen to over 160 witnesses for a total of 107 hours of meetings. We can always take that to the bank when people say senators do not work hard.

Today I want to take a second opportunity to publicly thank and acknowledge the work of my honourable colleagues opposite. I know Senator Zimmer, Senator Baker, Senator Ringette, Senator Milne, Senator Cowan and Senator Joyal worked exceptionally long hours and worked closely with their staff to carry out functions of due diligence, not only on this bill but on the recent report and the many amendments put forward by the opposition.

I know too that Senator Day, as the opposition critic on this bill, worked in a spirit of cooperation and consensus. I personally want to thank him for his hard work. Thank you very much, Senator Day.

Additionally, my counterpart opposite, Senator Hays and his leadership team, have all played an important role. When this chamber passes legislation of this magnitude and importance to Canadians, it is imperative to stop and thank those involved. Many times Senator Hays and I were mere spectators to the process, I must say.

The process surrounding Bill C-2, the federal accountability act, was one unlike the Senate has ever seen. From our side, I know Senator Donald Oliver, as chair of the committee and sponsor of the bill — and I know this situation was unique and difficult given our numbers — had to take on his shoulders those onerous tasks. He worked endless hours on this legislation and conducted his duties with a steady hand. With his dedication and organization, he helped to steer this priority legislation through many difficult moments to ensure we arrived at where we are today.

On behalf of all senators on both sides of the chamber, Senator Oliver, thank you so much.

Hon. Senators: Hear, hear!

Senator LeBreton: Senator Andreychuk, an important member of our Bill C-2 team, guided us through our clause-by-clause process, as I had said in my earlier statement, and given the number of amendments tabled, that was no easy task. To her I want to personally extend my appreciation and the appreciation of all of us, not only for her efforts on Bill C-2 but for managing the Bill C-2 responsibilities in view of the fact that she has such onerous responsibilities on other committees.

Senator Nolin, with his keen observations, provided important guidance all through the amendments process. With his legal background, and with his family's experience in the judiciary, Senator Nolin was helpful to us more than he will ever know. Thank you, Senator Nolin.

Hon. Senators: Hear, hear!

Senator LeBreton: As I stated when I first spoke, I want to say a special word of thanks to our colleague, my colleague, Senator Stratton, who has been a stalwart for us on our Bill C-2 team throughout the whole process. He was the voice of our Senate leadership during the process and he was always willing to help wherever and whenever he was needed. To my colleague Senator Terry Stratton, I want to express my own personal thanks as well.

Finally, honourable senators, I want to extend a warm thank you as Leader of the Government in the Senate to all Senate staff. I would like to thank the committee staff, the clerk of the committee, the translators, the stenographers, researchers, writers, the sound and television people, the procedural experts, the Treasury Board officials, the Senate law clerk's office, and all of the other staff involved who were key in the success of getting this legislation through. Without these staff members, this task would have been impossible. Honourable senators, it is important to acknowledge their dedication and long hours in supporting our parliamentary function and we often tend to overlook their importance to us. On behalf of all senators, I want to thank them.

We, honourable senators, were all part of history at work as we undertook the federal accountability act. Honourable senators, the Senate has now done its job. Soon a new culture of accountability will be upon us and I am proud of the accomplishment of all honourable senators and of the government in reaching a compromise deal that will ensure this era is finally upon us.

The compromise reached will see the Senate retain its Senate Ethics Officer as currently constituted, and the Senate will insist that the House of Commons and the Senate are removed from the definition of what will constitute a public sector entity.

Honourable senators, this compromise required both sides to move significantly, but at the end of the day we, as the Senate, have done our job and it is time to move forward. I stand before you proudly today, honourable senators, to say to you again that the federal accountability act, the first major piece of legislation to come from Prime Minister Stephen Harper's Conservative government, is now on the verge of becoming law and, as such, we shall all be proud of this moment.

When Royal Assent is granted, the partisan divide will disappear and the politics of this legislation will have come to an end as it will be a time to celebrate. We can celebrate the fact that the passage of this legislation will turn a page in the history of Parliament and we can celebrate the hard work of many.

Honourable senators, history will record those involved in this legislation as being at the forefront of forward thinking with respect to accountability, transparency and ethical political discourse. History will record that the passage of the federal accountability act will be the moment when faith by Canadians and for Canadians was restored in and by their government.

Honourable senators, the time has now come to pass this legislation for the benefit of the country. Again, on behalf of our side and on behalf of the government, I want to thank everyone for their efforts.

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, it is unfortunate that I must take the last word away from my honourable colleague, Senator LeBreton, but I must point out a small discrepancy between the English and French versions of the report.

With your leave, I would like to move an amendment to correct the discrepancy. I must congratulate the clerks of the Senate whose eagle eyes picked it up. The amendment would bring the French version in line with the English version.

MOTION IN AMENDMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move:

That the report be amended in the French version by replacing, in the second line of the paragraph beginning with the words "Que le Sénat insiste sur l'amendement 2", the word "reconnaît" with the words "faut reconnaître" and by replacing, in the same paragraph on the fifth line, the words "mais qu'elles sont plutôt" by the words "qui sont en fait".

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Motion agreed to and report, as amended, adopted.

• (1550)

[English]

NATIONAL DEFENCE ACT CRIMINAL CODE SEX OFFENDER INFORMATION REGISTRATION ACT CRIMINAL RECORDS ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Donald H. Oliver moved third reading of Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

He said: I made my remarks earlier, honourable senators.

The Hon. the Speaker: Are honourable senators ready for the question?

[Translation]

Hon. Serge Joyal: Honourable senators, this bill is now at third reading, and I would like to draw the attention of the Senate to two aspects of the bill.

With your permission, I would like to continue presenting my comments at the next sitting of the Senate, as I do not have my reference documents with me. If I were to speak from memory, I would run the risk of forgetting some important information. That is why, with your consent, I would like to continue my comments at the next sitting of the Senate.

On motion of Senator Carstairs, debate adjourned.

[English]

JUDGES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Comeau, for the second reading of Bill C-17, to amend the Judges Act and certain other Acts in relation to courts.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Cools had wanted to speak on this bill, but she is not in the chamber at the moment. I know she attaches a deep and long-standing interest on the whole subject of judges.

In order to afford Senator Cools the opportunity to have the chance to speak on this bill, I suggest we adjourn debate until Monday. I know we need to deal with the matter, at the latest, Monday night. I move adjournment until Monday.

On motion of Senator Comeau, for Senator Cools, debate adjourned.

FIRST NATIONS JURISDICTION OVER EDUCATION IN BRITISH COLUMBIA BILL

SECOND READING—DEBATE ADJOURNED

Hon. Hugh Segal moved second reading of Bill C-34, to provide for jurisdiction over education on First Nation lands in British Columbia.

He said: Honourable senators, it is an honour for me to lend my support to Bill C-34, to provide for jurisdiction over education on First Nations lands in British Columbia. This legislation will enable First Nations in British Columbia to assume greater control over and responsibility for on-reserve education. The

advantages of this approach to First Nation education are both plentiful and well documented: better student outcomes, more relevant curricula and greater involvement with parents and community residents in school affairs, to mention but a few.

[Translation]

Bill C-34 will enable the implementation of the agreements on education negotiated with First Nations in British Columbia. First Nations will therefore be able to truly assume control of the elementary and secondary on-reserve education system. With the adoption of Bill C-34, First Nations will be able to assume responsibility for local schools.

[English]

Honourable senators, few Canadians appreciate the direct relationship between local control and a high-quality education. Perhaps this is because we all take it too much for granted. Most of us attended schools closely connected to our communities. Parent councils and voters in the community exerted a direct influence on the policies of school boards and provincial ministries of education. Local taxpayers contributed much of the money that paid for teachers, classrooms, books and other supplies.

First Nations schools, however, currently operate in a very different context. Under the terms of the ancient Indian Act, the Government of Canada serves as the de facto ministry of education for all on-reserve schools. Given the remote location of many First Nations communities, the system disconnects many on-reserve schools from the people who oversee them.

While band councils receive federal money to manage the day-to-day operations of on-reserve schools, these local officials have no mandate to address issues related to curriculum, teacher certification and educational standards.

Honourable senators, local control over these matters contributes to the success not only of the schools but also, most important, individual students. At its core, education is about establishing connections between ideas, teachers, students, schools, communities, administrators and taxpayers. Sever these connections, and you also rob students of the motivation to learn, discourage parents from involving themselves in their children's education and erode public support for the school system. I am convinced that the fundamental disconnect fostered by Canada's current approach is largely responsible for the disheartening truth about First Nations education in this country.

Recent reports by the Auditor General of Canada as well as groups such as the Fraser and C.D. Howe Institutes reconfirm the fact: Students who attend on-reserve schools are much less likely than those in the public system to complete high school or to attend college or university. I believe this sobering reality has serious repercussions for all Canadians.

[Translation]

Today, approximately 120,000 First Nations students attend elementary and secondary schools on reserves in Canada, and the Aboriginal population is growing much faster than the non-Aboriginal population.

As we know, children's academic success is one of the most decisive predictors of their standard of living as adults. Because of unsatisfactory outcomes in the current education system, students who attend on-reserve schools are more likely than students elsewhere in Canada to go through periods of unemployment and suffer health problems. The combination of all these factors will drive up the demand for social programs and the related costs.

• (1600)

[English]

Clearly a remedy is needed. Bill C-34 is part of the solution by empowering First Nations in British Columbia to improve the educational outcomes achieved by students attending on-reserve schools.

To appreciate the advantages of local control over on-reserve schools, consider the story of the First Nations Education Steering Committee, or FNEC, the province-wide First Nations education organization in B.C. FNEC is a non-profit group dedicated to improving the quality of education delivered in British Columbia's band schools. Founded by a consortium of First Nations in the 1990s, FNEC has since attracted dozens of partners from the private and public sectors, including all of the key players in the field of provincial education. British Columbia's Ministry of Education and teacher's college, along with the professional associations that represent the province's teachers, principals and superintendents, all collaborate enthusiastically with FNEC.

[Translation]

With their help and that of other partners, the First Nations Education Steering Committee has taken an important step for the schools on reserves in the province and it has implemented a wide range of new programs and new initiatives.

[English]

FNEC established a club for students to promote the value of education. Thousands of students belong to the club, and school attendance is climbing steadily. To ensure that parents have the tools and skills they need to support their children's education, FNEC established a club for parents. FNEC has also addressed many of the practical issues facing individual schools, helping to recruit qualified teachers, to apply for federal grants and to access bulk-purchase discounts for books and academic supplies.

Among its many accomplishments, FNEC has also developed secondary-level courses imbued with First Nations cultural content and devised a certification system for on-reserve schools.

Each year FNEC and B.C.'s Ministry of Education hold a joint conference on First Nation education. Each year the Ministry of Education reports on the progress made by Aboriginal students attending public schools. By the spring of 2005, the high-school graduation rate amongst Aboriginal students was up to 48 per cent — still well behind the 79 per cent rate for non-Aboriginal students, but closing steadily. Clearly, FNEC's efforts are paying off.

[Translation]

I strongly believe that the bill before us today will lead to other improvements in the education system of the entire province. Even though it only targets schools on reserves in British

Columbia, the bill also introduces an approach that allows First Nations to take matters into their own hands, which is something other regions in the country could do as well. The many advantages to this approach led to the particularly quick passage of Bill C-34.

[English]

Honourable senators, today members of this chamber have an opportunity to show, as they always have, support for our First Nations across Canada. We have an opportunity to provide First Nations in British Columbia the means to deliver a high-quality, meaningful education to their children, and to inspire new hope in their communities. Colleagues will know that there was unanimous support for this same measure in the other place.

I urge my honourable colleagues on all sides to join me in supporting Bill C-34.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, on one hand, Senator Segal is recommending quick passage of this bill — and I certainly am not going to hold things up. However, when I read clause 35 of the bill on its implementation, it says:

The provisions of this Act come into force on a day or days to be fixed by order of the Governor in Council.

Are we to assume that there is no absolute urgency to pass the bill? Perhaps I am mistaken in my interpretation of this paragraph. Could Senator Segal please clarify this for me?

Senator Segal: With pleasure. What we are dealing with here is an agreement between the province of British Columbia, the First Nations and the federal Government of Canada. This agreement will create a federally funded school board with a certification process, teachers and schools in order to establish rules for a curriculum for all the First Nations in the province.

Once that is done there must be financial negotiations between the Government of Canada and the schools on the First Nations reserves in order to obtain funding for their educational needs. I am of the opinion that we need to have a debate in this house and discussions in committee next week in order to move on to third reading of this bill, which the government wants to implement as soon as possible.

[English]

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, before Senator Sibbeston speaks, the speaker on this side will be the second speaker, and the rules provide for 45 minutes. Our critic on this matter is Senator Fraser. I am seeking an understanding that her 45 minutes be reserved.

Senator Comeau: As the second speaker, agreed.

The Hon. the Speaker pro tempore: Senator Sibbeston may speak now, but the critic will be Senator Fraser.

Hon. Nick G. Sibbeston: Honourable senators, I made up my mind earlier today that I will speak on this bill. I am very interested in the subject. I met with First Nations representatives a number of weeks ago about this bill, so I very much wanted to say something about it.

Colleagues, I must tell you that just a few moments ago I was approached by Joan Fraser asking if I wished to speak on this bill. I said, "yes," innocently and enthusiastically, about the possibility of speaking to the bill. Her reaction was anger, threatening; as if I had done something wrong. After a long, long stare, I told her I was going to speak anyway and to bugger off.

I would ask Her Honour if this constitutes a denial of privilege and of my freedom as a senator to speak freely for the people of the Northwest Territories. Does the Deputy Leader of the Opposition have the right to influence or discourage or stare at a person in anger, thus affecting my ability to speak? What is the protocol? What is the procedure?

This is not the first time. Yesterday, or the day before, Senator Fraser approached me and asked if I intended to be here next week. I said "no," and she swore at me. I said, "Madam, this is the first time I have heard you swear." She basically walked away in anger again. I am puzzled. Maybe someone can enlighten me about the proper conduct of the leadership with respect to ordinary senators. Is this the way things are conducted in this place?

The Hon. the Speaker pro tempore: The chair has recognized Senator Sibbeston. If he wishes to speak on the bill, he can do so now.

Senator Sibbeston: Your Honour, it is more than that. I want a ruling on my privilege. My privilege in some way has been affected. Joan Fraser is angry with me because I want to speak today. In this way, my right, my freedom, my ability to speak has been influenced. Unless she apologizes or she agrees to take some therapy to deal with her disposition so she can properly and respectfully deal with senators, I would consider that the matter needs to be dealt with by this house.

• (1610)

Senator Hays: Honourable senators, I think this is a point of order. It cannot be a point of privilege because we have a procedure for privilege. As a point of order, to the extent that Senator Sibbeston is being prevented from speaking, that is not the case. He is free to speak —

Senator Sibbeston: No, she stared at me. She stared at me to the point where I did not know how to behave.

The Hon. the Speaker pro tempore: The chair has recognized the Leader of the Opposition.

Senator Sibbeston: You are making bloody excuses.

Senator Hays: If the point of order is that Senator Sibbeston does not have the right to speak, I submit to Her Honour that he is not being prevented from speaking.

Senator Sibbeston: Tell her, Mr. Leader. Are you saying that or is she saying that? I would like to hear from her.

Senator Hays: Given that it is unusual for these kinds of things to be raised when they did not occur on the floor of the chamber, I think Senator Sibbeston is talking about something that took place between Senator Fraser and himself.

Senator Sibbeston: It took place in this house, right here.

Senator Hays: Obviously, the honourable senator is offended by that. I am not sure, Your Honour, whether our rules deal with sharp and taxing language, but that is something that takes place within the chamber.

In terms of an exchange between senators that is not part of our proceeding or that has not been brought to the floor of the chamber, that is between the senators involved.

Certainly Senator Sibbeston's question about his right to speak is a good one. I put it to Your Honour that he does have the right to speak. I only rose to ensure that the second speaker would be provided the 45 minutes because my understanding is that Senator Sibbeston is not the critic, which was agreed to. If the suggestion is that he is not being given a right to speak, I do not believe there is a point of order, because he is.

The Hon. the Speaker pro tempore: I believe what we have in our rules regarding decorum in this chamber relates to the language the Speaker hears. There was no exchange; I was not aware of anything.

Senator Sibbeston stood to speak and I gave him the right to speak. I do not think there is any point of order with respect to the way the discussions were held here in this room.

I now recognize Senator Carstairs.

Hon. Sharon Carstairs: I believe Her Honour has dealt adequately with this matter.

The Hon. the Speaker pro tempore: Does Senator Sibbeston still want to speak on the bill?

Senator Sibbeston: Yes.

The Hon. the Speaker pro tempore: You may then speak on the bill, Senator Sibbeston.

Senator Sibbeston: I do not know if I have a right to speak on the subject or whether Joan Fraser will, in some way, punish me. Will you punish me if I speak about this bill?

Senator Grafstein: The leader has just said "speak."

The Hon. the Speaker pro tempore: The rules state that either the Speaker or the chair recognizes the senator who stands and wants to speak, so if you want to speak you are free to speak on second reading of this bill.

Senator Sibbeston: Thank you.

Honourable senators, I am pleased to speak briefly to support Bill C-34. I do not know whether Joan Fraser approves of this or not. I do not know if what I have to say will make her angrier with me than she was before.

Honourable senators, Bill C-34 will implement an agreement negotiated between Canada, British Columbia and the First Nations Education Steering Committee, which represents a large number of First Nations in British Columbia. The bill would establish a First Nations education authority to ensure that schools on First Nations would operate at high standards and under the control of First Nations people.

The bill is voluntary. All those First Nations who initially come under the bill are willing participants. Provisions allow other B.C. First Nations to eventually become part of this system. First Nations that choose to take part will no longer be governed by the Indian Act with respect to education. Getting out from under the Indian Act is always a good thing.

The bill represents an important step in improving the lives of Aboriginal people. The importance of having local control over education and particularly of having Aboriginal input into Aboriginal schools cannot be denied.

Aboriginal people do know the importance of education in today's technological society. It is a world of computers and advance science. I have no doubt that Aboriginal people will take their responsibility very seriously.

In the Northwest Territories, the Tlicho people became the first Aboriginals to assume authority over education. This happened way back in the 1960s. Their visionary chief, Chief Jimmy Bruneau, recognized the importance of education early on and said that through education "the Tlicho people could be strong like two people." By controlling their schools they could get the advantage of Western education while maintaining the strength of their own culture and language. This has been a big success and underlies all the accomplishments that the Tlicho people have achieved in the last 40 years.

I am pleased to support this bill and urge senators to give it quick passage so the people of B.C.'s First Nations can get on with the important job of educating their children. On motion of Senator Fraser, debate adjourned.

SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE BILL, 2006

SECOND READING—DEBATE ADJOURNED

Hon. David Tkachuk moved second reading of Bill C-24, to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence.

He said: Honourable senators, it is with great pleasure that I speak to Bill C-24, a bill which will implement Canada's obligation under the softwood lumber agreement.

The softwood lumber dispute with the United States has been a long-standing trade irritant for Canada. Over the years, it became the single most heavily litigated trade case in Canadian history. There was agreement only for short periods of time when our colleague Pat Carney was minister — 1986 to 1991 — and between 1996 and 2001, which was signed by the previous

government. For five years, from 1991 to 1996, we had no agreement and then again from 2001 to 2006.

I think there is a reason for that. It probably has a lot to do with past negotiators feeling the need to achieve perfection. As we all know in international trade agreements, there is no such thing. That is why they call them negotiations. That is why the free trade agreement and then NAFTA was such a great achievement.

Even though there have been disputes, considering the amount and variety of trade, there is relative peace and harmony. Indeed, some 95 per cent of our trade with the United States is dispute free. It was such an achievement that today Canadian fiefdoms, otherwise known as provinces, are negotiating free trade agreements among themselves. In our country, we have a free trade agreement with the United States and Mexico but not between Ontario and Quebec.

In the United States, the lumber industry has always seen stumpage fees as an indirect subsidy. Now, Americans dislike subsidies, unless, of course, they are the ones receiving them. They see the amount the Canadian lumber industry pays in stumpage fees as less than they do as private woodlot operators to reforest and obey environmental regulatory rules and environmental laws.

How do they treat the Maritime competition that operates in the same economic framework as they do but manages to give better prices? "Oh, they are dumping," they say.

It is a testament to our "lumber barons," as the Liberal critic in the other place called the Americans; American lumber barons as opposed to Canadian non-barons. I would like to have a few barons and baronesses of our own. Ours seem to be more efficient and therefore offer better prices, as every NAFTA and World Trade Organization trade panel pointed out, with great frequency. Nonetheless, the American lumber industry appealed every decision that did not favour them.

Behaving rationally is not the norm in trade disputes and in the end everyone acts in their own self-interest. Make no mistake: The softwood lumber conflict weakened our industry and affected thousands of Canadians who worked in our sawmills. It took a crushing economic — and often personal — toll on workers in communities across the country, and it strained relations with our most important trade partner.

• (1620)

Therefore it was a great relief earlier this year when the Prime Minister and President Bush agreed to press for a lasting solution to this issue. On October 12, the softwood lumber agreement came into force.

The philosophy of this agreement was stability in the marketplace. Investments and growth are deterred by instability. While the marketplace is, by itself, unstable, it sends real economic messages. Courts, lawyers and irrational behaviour exhibited through the legal process send only one message: Who needs it? Investment in plants, equipment and growth are put on hold.

Trade Minister Emerson and Ambassador Wilson, operating under the rational behaviour of mutual respect exhibited by our Prime Minister toward Americans, led us to plan a strategy and

come to an agreement with the Americans that did not achieve perfection, but did achieve stability — and on terms favourable to our industry. This occasion marked the beginning of a new era for Canada's softwood lumber industry, an era of stability and predictability, which have eluded the industry for far too long.

The agreement does many things. It eliminates punitive U.S. duties; it ends costly litigation, which has gone on far too long; and it takes our lumber producers out of the courts and puts them back where they belong — in communities across the country, growing their enterprises and contributing to Canada's economy.

The agreement provides stability for an industry hit hard by years of trade action and drawn-out litigation; and the agreement returns more than \$5 billion, a significant infusion of capital for the lumber industry, workers and communities that rely on it. Within the agreement, there are mechanisms to continue negotiations so that we may achieve real free trade in the years ahead.

The refunded money, and the stability and predictability provided by this agreement, comes at an extremely critical time for Canada's timber industry — and for the sawmills, the producers and many of the more than 300 forestry-dependent communities across the country. Our lumber industry is facing tough times. Lumber prices are at the low end of their cycles and production costs are rising.

Combine these challenges with the continued strength of the Canadian dollar and you can begin to understand what our industry is up against. The badly needed money provided by the agreement breathes new life into this sector. In fact, it is already helping our lumber producers reinvest in their enterprises, improve efficiency and weather the current downturn in lumber prices.

I want to report that the refund process is almost completed. Thanks to the accelerated process developed by our minister, Export Development Canada has ensured most lumber companies have already received their funds. More than \$3 billion has already been dispersed to companies ahead of schedule, and Export Development Canada will continue to make expedited refunds over the coming weeks.

While the money is good news in itself, let us also consider the other benefits of the agreement for forestry workers and communities. The agreement provides a stable, predictable trade environment, where the rules are clear and do not change with every new legal ruling. The importance of this kind of stable environment to our lumber industry cannot be overstated. It gives our lumber companies a chance to make longer-term plans and to grow.

The agreement also puts us on the right path toward fostering the further development and integration of a strong North America lumber market, one where Canadian companies can play an essential and leading role.

We do not need to look too far back into the past to remember what life was like before the agreement, and the serious setbacks caused by this trade dispute over the years. This trade case was the most heavily litigated in history. Our lumber producers have

spent the better part of the last two decades engaged in a number of drawn-out legal battles with the United States.

Our victories in a number of trade courts, including the North American Free Trade Agreement, and the World Trade Organization were simply appealed by the United States, triggering millions of dollars in legal fees. The enormity of those fees stand as a testament to the high price of continuing with a strategy built entirely around litigation — and to the old adage that because you win the battle does not mean you win the war.

Yet some continue to suggest that Canada should have held out for a promised win in litigation some time in 2007 or beyond. We should be clear on this point. Even if Canada were successful in its case, the United States, or its softwood lumber lobby, would file a new case the next day. Only an agreement such as the one we have reached can prevent new cases and a new dispute from erupting.

Continuing litigation will be too steep a price to pay, with an extremely uncertain outcome waiting at the other end. This is a case where there is simply no trade peace waiting for us.

The softwood lumber industry is a key supporter of this agreement. In fact, the agreement received over 90-per-cent support from the industry and was supported by all three major softwood producing provinces. Not one province or territory sent a letter disagreeing with the final agreement, as normally would happen.

Throughout the negotiation process, the concerns of industry and provinces became active parts of Canada's negotiating position. In fact, these concerns continued to inform the process as this bill made its way through the House of Commons Standing Committee on International Trade, where it became subject to a number of amendments that stemmed, in large part, from industry and the provincial governments.

One key factor driving the broad support for this agreement is that it respects the diversity of Canada's lumber industry. The lumber industry across the country is varied, and different regions have unique challenges and opportunities. I want to take a few moments to highlight some of the regional benefits of the agreement and explain how it responds to a wide variety of needs across the country.

First, the agreement gives provinces flexibility in choosing the border measure that best suits their particular economic needs. Exporters will only pay an import charge when the lumber price is at or below \$355 per thousand board feet. When prices reach this threshold, Canadian regions, as defined in the agreement — the B.C. coast and the B.C. interior, because British Columbia is split in two; Alberta; Saskatchewan; Manitoba; Ontario; and Quebec — can select one of the following two export-charge regimes: option A, an export charge with the charge varying with price; or option B, an export charge plus volume restraint where both the rate and the volume of restraint vary with the price. Volume restraint means not producing as much lumber.

This mechanism allows provinces to choose the export charge that is right for their individual economic and commercial situation. Funds collected under either option will stay in Canada and not end up in the U.S. treasury, as was the case in the past.

The provinces and industry also asked for flexibility in export quota rules to meet their U.S. customers' requirements. In response, the government negotiated provisions allowing companies to carry forward or carry back up to 12 per cent of their monthly export quota volume from the previous or the next month.

These provisions are a significant improvement over the old environment. Under that system, the duties imposed by the U.S. are reassessed annually. The industry never knows from year to year what duty rate will apply. Under this agreement, they will know and can take full advantage of a stable and predictable business environment.

The agreement also contains a provision allowing provinces to seek an exit from the border measures, based on a process to be developed by Canada and the United States in full consultation with provinces, within 18 months of the agreement coming into force. The agreement provides for reduced export charges when other lumber-producing countries significantly increase their exports to the United States at Canada's expense. It protects provincial jurisdiction in undertaking forest management policy reforms, including updates and modifications to the system, actions or programs for environmental protection, and in providing compensation to First Nations to address claims.

Part of the problem with the last agreement was that whenever a provincial government set a new policy or perhaps developed new environmental regulations the Americans saw that as a change in the way the forests were managed. Therefore, the Americans used that change as an excuse to begin some sort of litigation against Canada. In this particular agreement, those things have been dealt with.

• (1630)

Bill C-24 includes a mechanism to ensure that returned duties will be back in the hands of our exporters within weeks of the agreement's entry into force — a refund process that, as I explained earlier, is nearly complete. It ensures that independent lumber re-manufacturers who do not hold tenure, and are independent from tenure holders, do not have to pay an export charge on the value-added component of their products. This represents a significant improvement on treatment compared to previous agreements. Re-manufacturers will select poorer quality lumber at a saw mill and produce a different kind of product. They will be exempt from this agreement.

In addition to these benefits and the flexibility built in for the provinces, the agreement also addresses region-specific concerns raised by different provinces and stakeholders throughout the negotiation process. For example, the agreement provides a limit on the export charge imposed on high-value lumber products, such as western red cedar, which is primarily produced on the B.C. coast. Through the agreement's anti-circumvention provisions, it also recognizes the importance of B.C.'s forest policy. B.C.'s market pricing system and any updates or modifications to that system have been given a full exemption under the agreement.

In response to Canadian industry concerns regarding the exemption of coastal logs, lumber and running rules that govern the administration of export measures, the U.S. has also confirmed that it is prepared to engage in early discussions to ensure that the agreement operates in a commercially viable manner. The agreement directly responds to concerns expressed

by Quebec, Atlantic Canada and the Territories. For example, the border measures will not apply to the export of lumber products manufactured at Quebec border mills, a key position supported by the Government of Quebec and its industry. In fact, the government achieved exclusions from border measures for a total of 32 companies in Quebec and Ontario, including the Quebec border mills.

The agreement ensures that lumber produced from logs harvested in the Atlantic provinces, which are certified by the Maritime Lumber Bureau, will not be subject to border measures. It ensures that lumber produced in the Atlantic provinces from logs harvested in the State of Maine is exempt from border measures, a key component of bilateral trade in that region. It also exempts lumber produced in the Territories from border measures.

It has been clear throughout the negotiating process, and it is reflected in the bill, that the concerns of industry and provinces have played a major role in shaping the government's approach. I am not saying that there are not provinces without remaining concerns. If that were the case, this would not be Canada. However, the newly amended Bill C-24 before us represents the result of a vast amount of work to address most of the concerns of the provinces and the industry. In particular, it provides authority to impose export charges when lumber prices fall below \$355 per 1,000 board feet. It gives the provinces the flexibility that they need to choose the right border option for their economic situation. There will be a permanent committee of Americans and Canadians who will discuss new issues that arise out of the agreement as well as outstanding issues. The Canadian government hopes that this agreement will lead ultimately to a free trade agreement on lumber between the two countries, which would be the best solution.

It is now up to honourable senators to consider the merits of this bill. I would ask that we do so in a timely manner. Indeed, time is of the essence. As I said earlier, the lumber companies that will receive over \$5 billion back to re-invest in their enterprises need not only money but also a stable trade environment to weather these tough economic times. Honourable senators should note that I speak of Canadian dollars. Dollar figures heard elsewhere are likely in American funds.

This agreement provides such stability for the companies and for the hundreds of thousands of people in lumber-producing provinces across this country who rely on this industry for their livelihoods. The government believes that our lumber communities have suffered long enough; and industry and the provinces agree. We believe that they need the stability and the resources that this agreement provides and that this agreement is the single best way forward for our softwood lumber industry and the more than 300,000 Canadians who rely on it.

That is why I ask for the support of honourable senators on Bill C-24.

Hon. Daniel Hays (Leader of the Opposition): Would Senator Tkachuk take one or two questions?

Senator Tkachuk: Yes. I will do my best to answer.

Senator Hays: This matter is very important and the honourable senator provided the house with an excellent overview of a highly complex matter. I will have to read it to gain a full understanding of the proposed agreement. Perhaps the honourable senator can help me with a couple of things. First, I am looking for an indication of the provinces that favour the proposed agreement and the provinces that still have concerns about it. I appreciate that there are differences between the regions. For instance, the Atlantic region has fewer issues because they do not have the Crown land that other regions have.

Second, are the benefits of the proposed agreement available now in terms of our softwood lumber trade or are some of them deferred until such time as Bill C-24, the implementing the agreement, is passed?

Senator Tkachuk: The payments are being made now. The agreement took effect on October 12. There were a number of outstanding issues but those of the key lumber-producing provinces of British Columbia, Ontario and Quebec have been resolved to their satisfaction; and they support the agreement.

The Atlantic provinces also support the agreement but disagree with certain elements of Bill C-24 to implement that agreement. There were a number of outstanding issues, some of which were addressed in the House and are on the record of the committee, and some of which were addressed by amendment.

One outstanding issue is still held by the Maritime Lumber Bureau. They are working on it but have not come to a resolution yet. All of the other outstanding issues have been dealt with to their respective satisfaction, I believe.

The Territories' amendments on excluded companies were added to the bill at committee. There are only a few issues remaining, one in Atlantic Canada and one perhaps in Saskatchewan, although I am not positive because I am unaware of the progress in recent negotiations.

On motion of Senator Hays, for Senator Mitchell, debate adjourned.

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Jeremiah S. Grafstein: Honourable senators, I will begin by commending Mr. Harper as a party leader for unifying his party and giving Canadians a clear political choice of both people and policies. Some of the members of the Senate and the other place may disagree but I have always believed in a robust two-party system. I believe that a two-party system would give Canadians clear-cut choices in the best interests of every region of Canada.

The Liberal Party is in the process of emulating the Conservative Party by uniting its warring classes, clans and tribes in order to give Canadians a clear choice by unifying under our new leader, Stéphane Dion.

Therefore, I have a grudging respect for the Prime Minister for his intelligence and strategic thinking on the party front. However, I must say that I am growing increasingly critical of his legislative actions and thinking on the Parliamentary front as demonstrated by Bill S-4.

This bill purports to reform, without constitutional amendment, the essential characteristics of the Senate. Many of us on this side believe this is unconstitutional.

As one house changes, the other house changes. As the other house changes, the executive changes. In establishing our bicameral Parliament, the Fathers of Confederation carefully balanced the Houses of Parliament, representation, popularity, regional and sectoral interests and minority rights. Everything shifts in Parliament if one serious component, one serious element, one serious characteristic of one house changes. Nothing stays the same. The delicate balance — the constitutional balance — has now been disrupted.

Earlier in the Senate, I referred to the attitude of the Alberta school. Now I should like to talk about the Harper legislative mind at work here in Parliament.

We have learned on this side that Parliament should not be trifled with by half measures, imprecise resolutions, quick fixes and tricky strategies that undermine Parliament as an institution, as the people's house. Constitutional changes, we have learned, on both sides, require care, fulsome political investment and political capital in order to persuade not just the population of Canada but also the various institutions that make up the institution of Parliament here and the provincial houses that we are all moving in a coherent way.

All parliamentarians, both here and in the other place, have a duty to ensure that the people's interests are safeguarded, as we are, collectively, the supreme court of public opinion. This supreme court of public opinion is something Canadians have given their lives for, to support the principles of democracy and responsible government.

When we turn to the legislative manoeuvres of Mr. Harper, we see a suspicious and perhaps dangerous pattern emerging. What does Mr. Harper have in mind, we ask? What does he think? How does he think in legislative terms? We understand how he thinks in policy terms — we have heard him on the platform and on the campaign trail. However, changing policy and slogans into legislation is another craft. It requires care and precision. Parliamentary changes do not come easily.

We have learned on this side that snap motions, rush to judgment, whether with respect to legislation or motions, almost all the time are absolutely wrong. We have learned that. That is the experience of this side and I am sure of the other side.

I shall give two recent examples — namely, the motion in the other House with respect to Quebec and the motion today with respect to the same-sex marriage. Read these motions, honourable senators. We are a house of words. Read those motions, and you will find that they are imprecise and confusing. They do not give Parliament or the public a clear understanding or a clear choice. Neither deals with the aspirations of Canadians for a strong and united Canada that accepts equality as the value most accepted by all Canadians.

The Charter has become the most revered and important institution of Canadian unity in Quebec and, indeed, in every province. Over 80 per cent of the Canadian population across the country consider the Charter the most important Canadian institution, the Constitution of Canada. Only one word sums up the Constitution and the Charter — that is, equality. The Charter is the paramount check on parliamentary power. The Charter is meant to exert paramount power against the excesses of parliamentary power.

Let me turn more precisely to Bill S-4, which is another snap half measure, an unfinished idea, a charade that reminds me, honourable senators, of the old switch-and-bait game — what you see is not what you get. There is not a senator in this chamber who is not interested in parliamentary reform. However, it is equally important to remember the old African Uhuru saying — that is, if you want to have change, make sure you replace it with something of greater value.

Mr. Harper talks about reform and provides us with half-finished, half-considered, half-baked measures, tantalizing tidbits no less, and I ask myself, why so? Why throw these out? At first blush, this bill on Senate reform has a very seductive measure of persuasion. It is meant to address the issue on the campaign trail of Senate reform. In fact, it has an alluring, facile attraction at first blush. When I first read it, I said, “This may not be a bad idea.” However, on second thought — and not even on second sober thought — it is deeply flawed and is inimical to the best interests of parliamentary reform.

Surely, honourable senators, this bright intelligent leader, Mr. Harper, can do better than this flawed bill. Surely, he has another shoe to drop. We have been tantalizingly told by the other side that there is more to come. Yet, he will not put all his shoes in order. We have one shoe; we do not know what is in the other shoe. He expects us to buy a pair of shoes, only seeing one shoe. It makes no sense. Perhaps we should wait to see what is in the other shoe, to see if Parliament can walk in these brand new shoes he is preparing for us. Let us see his cards. Let us see all of his cards. Let us be fair.

Senator Bryden, in a classic speech the day before yesterday, gave a superb constitutional analysis of this bill. He pointed out carefully how the Fathers of Confederation and all the esteemed critics had constructed a different Parliament, a different democratic infrastructure, different from the U.K., similar to the U.K., different from the U.S., to balance in Canada the popular house with a regionally selected upper chamber to ensure that the regions were properly supported and that minority interests were protected to offset the popularly elected lower house. That is deeply embedded in our parliamentary constitution.

In this magnificent way, the philosophic theses of Blackstone, Locke and Montesquieu came to life in a carefully honed Parliament with checks and balances against the executive, lower house and upper chamber to curb the untrammelled lust for power.

Senator Bryden makes a devastating point as to why this bill should be pushed aside — not only because of its constitutional unacceptability. Mr. Trudeau, he reports, would have been able to appoint 200 senators. Mr. Mulroney would have been able to appoint a full Conservative Senate. Mr. Chrétien would have appointed 100 senators, making this chamber accountable to one party.

I am not suggesting that Mr. Trudeau, Mr. Mulroney or Mr. Chrétien would have been removed from temptation to do that. They might have been tempted to do that. Indeed, Mr. Mulroney did on one occasion appoint eight additional senators, as provided for in the Constitution. He did that appropriately and powerfully. I do not comment on that.

However, this proposed act will accumulate more power in the hands of the executive, which goes to the very essence of the careful checks and balances established at Confederation.

Honourable senators, there is another trend I should like to talk to before returning to Bill S-4, a dangerous trend that we saw on this side and now on the other side, that is, a subtle transformation from a parliamentary system to a presidential system.

Here are the danger signs: When the Prime Minister stands up and says “I” as opposed to “we”; when the Prime Minister stands up and says “I say to my cabinet ministers, this is what we stand for,” as opposed to allowing his cabinet freedom. In fact, under our Constitution, cabinet was carefully constructed to afford another check on the Prime Minister’s power.

• (1650)

When I first came to Ottawa the ministers of the Crown were powerful, independent and strong, and they represented their regional and sectoral interests as provided by the fathers of Confederation. Now ministers are not allowed to speak without checking their words with the Prime Minister. That is not the parliamentary system. I am offended when I hear a prime minister or a leader say, “I believe.” It is not “I believe,” it is “we believe,” which means that the prime minister has been to the cabinet, the caucus, the parliamentary wing and the prime minister has a consensus. The prime minister leads by consensus.

I will not repeat what the Supreme Court of Canada has said, other than to reiterate what Senator Bryden said so eloquently, that is, to change the essential characteristics of this chamber requires a full constitutional amendment by the provinces, and we know the amending process.

Turning back to Bill S-4 for a moment, we on this side cannot shake and stir this chamber without affecting the other. It does not work. What does Mr. Harper have in mind? It seems, as I have said, that he is moving toward a presidential system with a lower house and a Senate. To demonstrate this case, Mr. Harper has introduced another bill, Bill C-16, which will require four-year terms for elections, which I think is contrary to the notion of responsible, accountable government.

I hope that Parliament will reject that notion because, on the face of it, as we have pointed out, it is *prima facie* unconstitutional because the Constitution calls for Parliaments to last for not more than five years. That is clear, and I believe there is a conflict there.

By the way, this notion is not unique to Mr. Harper. Other provincial parliaments are moving in the same direction. That change makes governments not more sensitive but less sensitive to the public interest and the public needs.

Mr. Harper is turning away from the parliamentary system. I believe he is moving toward the American system. By the way, I respect the American system. Many of you know that I am co-chair of the Canada-U.S. Inter-Parliamentary Group. I have spent much time in the United States and respect their system, but that is their system. Our system is different. If we respect ourselves, we will respect the principles of our system.

The Prime Minister started off by talking about term limits — an alluring idea. We all like the idea of term limits. Why do we not impose term limits on the other House? Why have term limits on this side without having them on the other side? The American system is better balanced. They have term limits — two years for the lower house and six years for the upper chamber, but one third of the upper chamber rotates on an electoral basis every two years.

Why make that change here without changing the other place? If term limits are good here, why are they not good there? We must maintain a balance and structure that makes asymmetrical sense.

Has the Prime Minister thought this notion through? He is a thoughtful man, but I do not believe he has thought this through. We on this side are open to parliamentary reform. We spend much time and energy on our Parliament; we dedicate our lives to it. A great example of that is the last several weeks during which both sides worked laboriously to come up with an acceptable, albeit flawed, bill. That example was the Senate at its best. I commend all senators who were involved in that process.

We are proud of Parliament and proud to be called parliamentarians. We are here to meet the needs of the people. However, we on this side are not prepared for a bait and switch, for an ill-conceived, half-cooked tidbit.

The Hon. the Speaker: I must advise the honourable senator that his 15 minutes have expired.

Hon. Gerald J. Comeau (Deputy Leader of the Government): We will grant an extension of five minutes.

The Hon. the Speaker: Is that agreed?

Hon. Senators: Agreed.

Senator Grafstein: In conclusion, I urge all honourable senators to reject this bill and, at the very best, to refer the subject matter to the Standing Senate Committee on Legal and Constitutional Affairs for thorough consideration, particularly on its constitutionality, because I believe it is truly unconstitutional. The bill changes the essential characteristics of Parliament. The

Supreme Court has said that if Parliament wants to do that, it should, but it must ensure that the amendment is constitutional.

I believe that if we study the subject matter of this bill, we should study its functionality, as it impacts not only this chamber but also the executive and the other place.

Liberals believe in intrinsic reform. We do not believe in half-baked, ill-conceived, flawed resolutions or bills that weaken the heart of the institution of Canada that we so love — Parliament.

This Parliament has stood proudly since 1867. It has served the country well. We are one of the greatest countries in the world. We have brought prosperity to every region of the country, and it does not do us justice to have a half-baked, ill-considered measures introduced into this parliamentary assembly. I respectfully demur on this bill.

On motion of Senator Comeau, for Senator Cools, debate adjourned.

[Translation]

THE SENATE

ROYAL ASSENT—MOTION TO PERMIT ELECTRONIC COVERAGE ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 6, 2006, moved:

That television cameras be permitted in the Senate Chamber to record the Royal Assent Ceremony on Tuesday, December 12, 2006, with the least possible disruption of the proceedings.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I have a question for the Deputy Leader of the Government. The motion speaks of recording the ceremony rather than broadcasting it. I do not know what such a motion usually refers to. Is there a difference? Are we talking about broadcasting or recording? I know that the Senate keeps visual records for the purpose of showing them at schools and other institutions. Is that what we are talking about?

Senator Comeau: Honourable senators, I notice that the French version refers to recording whereas the English version says something different. You have raised an excellent question that I would like to answer. From time to time we take advantage of occasions such as this one to record events that are excellent archival material. Sometimes they are used by schools, universities or other institutions. In this case, I believe it is a recording. If not, I will let you know.

Senator Fraser: For our part, it does not matter one way or the other. Perhaps next week you could tell us exactly what it is.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

MOTION ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 6, 2006, moved:

That when the Senate adjourns on Thursday, December 7, 2006, it do stand adjourned until Monday, December 11, 2006, at 6 p.m. and that rule 13(1) be suspended in relation thereto.

Motion agreed to.

• (1700)

[English]

SCOUTS CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION—
THIRD READING

Hon. Consiglio Di Nino moved third reading of Bill S-1001, respecting Scouts Canada.

He said: Honourable senators, I wish to add some brief comments to those that have already been made on this issue, but first I should like to thank all colleagues who directly or indirectly contributed to the debate.

Honourable senators, Bill S-1001, if passed, will result in three simple amendments. First, it will change the legal name of Boy Scouts of Canada to Scouts Canada. Second, if passed, the bill will change the purpose of the organization to reflect the fact that it now serves all young persons in its programs, including boys and girls. Third, Bill S-1001 deletes the reference to Scouts Canada being a branch of the Scouts Association of England, reflecting a reality that has now existed for decades.

Honourable senators, the bill also consolidates various provisions that already exist, in some cases since 1917, and puts them together in one place for convenience and clarity.

I shall now turn to another part of this discussion, although not related to this bill, and make a few comments about the objections and opposition raised by a number of people about this bill.

As I see it, and as we heard at committee, and with due respect for those who raised them, these objections deal with administrative matters that are the responsibility of Scouts Canada. Although these matters are of interest, it is not our role to deal with an organization's administrative matters. The administration and operation of Scouts Canada are governed by its bylaws, and it is Scouts Canada who are responsible for managing its affairs. Having said this, I recognize the interest many of us have shown in this matter.

I personally encourage constructive criticism, which, as we well know, usually results in positive change and more balanced results. Without commenting on the merits of either side of the administrative questions raised, I have contacted the Scouts Canada CEO and Chief Commissioner and, because of what we heard, urged them to redouble their efforts to continue to reach out to all interested parties to ensure that Scouting is open,

transparent and democratic, without us, in effect, interfering in their affairs. I have been given assurance that, in the Scouting spirit, this is being done and will continue to be done.

I urge all colleagues to join me in passing this bill so that it can be sent to the other place for their consideration.

Hon. Lorna Milne: Will the honourable senator accept a question?

Senator Di Nino: Please.

Senator Milne: We heard evidence from one particular group, Scout eh!, when we were in committee, that raised concerns about what they diagrammed for us as a circular group within the voting members of Scouts Canada. They had concerns about how an ordinary member, a non-voting member, could break into that circle. I believe you referred to that a bit in your speech, but I should like you to say a bit more about that, if you would, please, senator.

Senator Di Nino: I have tried not to involve my personal and extensive involvement with Scouting over the years, but if I may, with apologies if I am not doing this in the proper senatorial manner, the discussion of the issue of the bylaws that governed Scouts actually started when I was still the national vice-president, somewhere in the early to mid-1990s. There was some realization that the bylaws needed to be changed. The bylaws were antiquated, and we certainly had a lot of desire for change.

A process was started that, over a number of years, resulted in a new bylaw being presented. I was at this time no longer active in the organization, although I was still involved because of my participation in many of their events as well as being a board member of the Scouts Canada Foundation. This bylaw was then presented, and it was totally trashed. Once again, it was back to the drawing boards. A committee was struck and, as one of the ex-members and because of my continuing association with them, I was asked to comment on this new bylaw, and I did so. The organization went across the country for some 10 to 12 months and came up with a new bylaw created by a number of people. I know that participation was sought by the councils. I was not involved in this, but I honestly believed that a process was put in place to democratically engage large numbers of people to come up with this new bylaw. Glen Armstrong, who is now the chairman of the board and the chief commissioner, the big boss, in effect, actually led the charge against changing the bylaw.

Although not perfect, as nothing ever is, the bylaw was accepted by the board of directors, which is made up of three members from each council — there are 20 councils, which totals 60 members — plus a number of other individuals, including ex officio members. I think my name is still on there, but I am not sure. Senator Trenholme Counsell was an ex officio member, but again, she may not be any longer. There were then 14 appointments from the board.

It is very much like the way Liberals choose their leaders.

Senator Milne: Oh, oh.

Senator Di Nino: I did not mean that in a negative sense. I meant that people are elected from their regions. Frankly, from this side, I would love to have had a convention like the Liberals just had. Unlike us, the Liberals got \$1 billion worth of publicity — but that is another issue.

Senator Rompkey: That is better.

Senator Stratton: Undemocratic.

• (1710)

Senator Di Nino: Each council elects three members, and they are the vast majority of the board. Having said that, Senator Milne, it is an issue that deals with the operation and administration of the organization.

I confessed to you privately, and I will say it here, that I was asked if I wanted to have hordes of emails sent to our colleagues in support of the bill. My response was that Scouts plant millions of trees a year. That is one of the things that they do. I really do not want to destroy any more trees.

Let us listen with an open mind to anyone who has objections, fully understanding that it is an administrative matter. I think it is of some value to place it on the record. The committees meetings were televised and speeches have been made. In my opinion, first, I would never discourage criticism. I do not believe it is a large group; it is certainly a strong minority and they were heard.

The reason I made the last comment is because my comment to both the CEO and the chief commissioner was this was hurting them. I advised them to do something about it and they agreed with me.

I cannot say add anything more than that.

Hon. Mobina S. B. Jaffer: Honourable senators, originally there were many other witnesses who wished to appear before the committee to give another point of view on the empowerment of Scouting and what this bill will do. Would the Honourable Senator Di Nino agree that for reasons of time they were not called, especially young women who had benefited and wanted this change?

Senator Di Nino: Yes, honourable senators, that is very true.

Senator Jaffer is a great Scouter, by the way. I should have mentioned her. She has probably been as active as I have, if not more so. I had been talking about bringing a number of people to tell the other side of the story, but I think we all know about the pressure that the Standing Senate Committee on Legal and Constitutional Affairs is under.

This bill has been around since 2003. As I said, in 2007 we will celebrate the centenary of Scouting, which is now around the corner. Considering the fact that we will be recessing soon and this bill must still go to the House of Commons, hopefully that will be done before February 24, which is the official date when the gala celebrations will take place. That is my wish, but I do not know if that can happen. I hope that honourable senators will attend. It will be held here in Ottawa.

The committee decided not to invite any witnesses to speak on the other side of the issue simply because time did not permit. I thank the Chair of the Standing Senate Committee on Legal

and Constitutional Affairs for taking this bill on for the purposes that I mentioned.

Hon. Serge Joyal: Senator Di Nino will remember that when we had the opportunity to study and hear witnesses I had a concern with clause 3 of the bill. I will read it to remind the honourable senator of the exact subject of my concern? It states:

The Corporation has the capacity of a natural person and, subject to this Act, all the powers, rights and privileges of a natural person.

At first sight, a corporation would have the rights of a natural person. I will give an example of the right of a natural person: The right to draft a will is the right of a natural person and is protected in law. One cannot abandon that right because it is inherent to the person, so we are told with respect to the civil law of Quebec. It is very well protected in the Civil Code of Quebec.

When I read that section of the bill, I thought how could a corporation have all the rights, powers and privileges of a natural person? A corporation, of course, will not exercise some of those rights. I know there is an answer as to why this clause is in the bill. Perhaps Senator Di Nino received the same answer I did, but for purposes of the record, I think the meaning of the clause should be clarified before we vote on this bill because it is rather unusual.

Senator Di Nino: I thank Senator Joyal for his question. I appreciate the fact that he gave me notice that he would be asking this question, so he will understand that I would not have been able to give an answer without having done some research. I thank him for that as well.

As Senator Joyal says, clause 3 of the bill deals with the corporate capacity of Scouts Canada. As we were informed at committee, the bill was drafted a number of years ago. As a matter of fact, it was originally drafted by the Law Clerk of the Senate at that time, Raymond du Plessis, who suggested that this clause be inserted. After consultation with Michel Patrice of the Office of the Law Clerk and Parliamentary Counsel, he advised that such provision is not uncommon.

I am again in an area on which I do not consider myself an expert, but Scouts Canada is now governed by the Canada Corporations Act, which does not contain this opportunity or this power. However, the new Canada Business Corporations Act, under which most of the new companies are governed, contains, under section 15, the capacity for a corporation to be a natural person and to be given that kind of authority.

I will give as examples a couple of other entities that have similar provisions. The Nunavut Land Claims Agreement Act has a similar provision, as well as the Canada Lands Surveyors Act. The Dickerson report led to the updating of the Canada Business Corporations Act and expressed the view that the law should vest corporations with the legal capacity of a natural person. At the time of the report, a number of technical and legal arguments and considerable confusion surrounded the subject of corporate capacity, which the Dickerson report identified as "little more than a playground for the legal scholar and sometimes a pitfall for the unadvised."

If I can paraphrase — and Senator Joyal will forgive me if I do not do it in legal terms — this is really the updating of the legal documents that govern the corporations from the Canada Corporations Act to the Canada Business Corporations Act. Again, I repeat: The suggestion for the inclusion of this provision was provided by our own law clerk and parliamentary counsel.

Hon. Tommy Banks: May I ask a question?

The Hon. the Speaker pro tempore: I know that the Honourable Senator Banks has a question, but Senator Di Nino's time is finished.

Is the Honourable Senator Di Nino asking for more time?

Senator Di Nino: Yes, I would be willing to take one more question.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Banks: Senator Di Nino knows the nature of my question because he and I have discussed this bill before. I apologize for not having checked this out in the transcripts of the committee meeting at which this bill was considered, but Senator Di Nino and I discussed some reservations that had been expressed by current members of Scouting and, in particular from a group called Scout eh!, I believe. Was some representation made by that group before the committee that considered this bill?

Senator Di Nino: Yes, they appeared before the committee and made an extensive presentation. A number of discussions were held between the two sides as well.

Senator Rompkey: Question!

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

• (1720)

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-213, to amend the Criminal Code (cruelty to animals), with an amendment), presented in the Senate on December 6, 2006.—(Honourable Senator Oliver)

Hon. Donald H. Oliver: Honourable senators, I move adoption of the report standing in my name.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Sharon Carstairs: Honourable senators, I wish to speak to this particular report because, frankly, I do not support the report of the committee because I do not support the bill. I do not support the bill because the bill is woefully inadequate.

There have been similar types of legislation before us. The government introduced a cruelty to animals bill on a number of occasions. The last one, unfortunately, died on the Order Paper in December 2003. It was a much stronger piece of legislation and, I believe, a much better piece of legislation. I recommend to all honourable senators a notice they received in their office this afternoon from the Canadian Federation of Humane Societies in which the organization indicates a strong objection to this bill because, in their view, it is also woefully inadequate.

I have a particular concern, honourable senators, that I want to bring to your attention. A private member's bill in the other place, Bill C-373, is a much stronger bill. It is sponsored by Mark Holland, member of Parliament from Ajax-Pickering. I can give clear support to this bill. My concern has to do with rule 80 in this chamber, which states:

When a bill originating in the Senate has been passed or negatived a new bill for the same object shall not afterwards be originated in the Senate during the same session.

Does this rule mean that when we get a stronger bill, which I hope we will, we cannot deal with it because we have passed this bill? It is not that this issue is not still before the minds and hearts of many people in Canada. I never did buy into the arguments that this bill was flawed. That is interesting because some honourable senators in this chamber thought I was just touting the position of the government because I was the Leader of the Government in the Senate at the time and gave a number of speeches in favour of the bill in 2003. However, the reality is that I believed in it absolutely. I did not state what I stated simply because I was the Leader of the Government in the Senate and, therefore, I was required by my ministerial position to accept the position taken by government. I supported the bill because I believed in it. I still believe in it. We need to move into the 21st century. The fact is that this bill has not been changed substantively since 1892. It is not good enough that the only change in this bill is to increase penalties. I cannot support the bill, and I will not.

Senator Bryden: Question!

Senator Stratton: Question!

The Hon. the Speaker pro tempore: It is your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Carstairs: On division.

Motion agreed to and report adopted, on division.

THIRD READING

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time, as amended?

Hon. John G. Bryden: With leave, now, honourable senators.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Carstairs: On division.

Motion agreed to and bill read third time and passed, on division.

AGING

BUDGET AND AUTHORIZATION TO ENGAGE SERVICE— REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Special Senate Committee on Aging (budget—study on the implications of an aging society in Canada—power to hire staff), presented in the Senate earlier this day.

Hon. Sharon Carstairs: Honourable senators, I move adoption of the report standing in my name.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Eymard G. Corbin: I am in the strange position of seconding this motion. Nevertheless, it is with tongue in cheek that I would like to ask Senator Carstairs why it is that this budget is three and a half times what she informed us, or at least expressed the wish, it would be when she spoke to the motion to have this study done?

I will simply quote from page 1053 of the *Debates of the Senate* for October 31, 2006, where Senator Carstairs states:

I have done one other special study since I came to the Senate, that being end-of-life care, the right of every Canadian, and it cost the Senate a total of \$7,000.

Senator Carstairs then said she did not anticipate that this study will be quite as expensive as that.

Here we are, and, as I say, with tongue in cheek. Has Senator Carstairs let her guard down when she comes back to the Senate and asks for a little over 3.5 times what her original estimate was? Could she give us an explanation of what she intends to do with that money or the committee?

Senator Carstairs: Thank you, Senator Corbin. I had intended to say “quite as inexpensive as that one.” If I was not quoted, I blame it on me because I know that our Hansard reporters are much more astute than I am.

Senator Stratton: Question!

Senator Banks: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON MATTERS RELATING TO MANDATE— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*budget—study on emerging issues related to its mandate—power to travel*), presented in the Senate earlier this day.

Hon. Tommy Banks moved the adoption of the report.

He said: Honourable senators, this report has to do with two members of a delegation going to London with the Commissioner of the Environment and Sustainable Development. This meeting has been in the works for some time, the dates for which were not nailed down until the week before last.

• (1730)

This could not have come before us for budget application until that time. It is the intention of the two members of the Senate to leave for London tomorrow for meetings with members of the British Parliament and other officials of British organizations having to do with the environment and natural resources. There are some aspects of removal of greenhouse gases, including CO₂ in sequestration thereof, in which Great Britain is somewhat ahead of this country, as we learned from a delegation of that Parliament that came here last year. The committee members are travelling with the Commissioner of the Environment and Sustainable Development to meet with members of the British Parliament as well as other officials and shall return and report to the committee information they derive that I hope will be useful. Two members of the committee will be travelling to London.

As is the tradition, and a convention to which I certainly subscribe, it is the case that there is one member from the government side and one member from the opposition side going on this trip, which will last for five days. The details are before honourable senators.

It was originally our intention, having fully circularized all members of committee, since we had planned on sending two members, that those two members would both be members from the opposition side. However, in a meeting of the Standing Committee on Internal Economy, Budgets, and Administration, that committee asked if a Conservative member could be found that would go on the trip with the commissioner and the opposition senator, if it would be agreeable for that to happen, and that is a convention to which I wholeheartedly scribe. That was done.

Senator Nancy Ruth is the member of the government side that was selected to go with Senator Tardif, the opposition member. I am happy to say that we have received a note to say that

Senator Nancy Ruth is now a member of the Standing Senate Committee on Energy, the Environment, and Natural Resources, replacing Senator Carney until further notice.

That is the nature of what this application is for, honourable senators.

Hon. Willie Adams: Honourable senators, I did not agree with the budget proposed by the Standing Senate Committee on Energy, the Environment, and Natural Resources.

Therefore, honourable senators, I give notice, notwithstanding rule 57(1), that two days hence I shall bring a motion, seconded by Senator Sibbeston, that the trip planned for the Standing Senate Committee on Energy, the Environment and Natural Resources be cancelled.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Senator Banks: No.

The Hon. the Speaker pro tempore: Leave is not granted.

Hon. Nick G. Sibbeston: Madame Speaker, having ruled the motion is not in order, is it not possible to make a motion with respect to that? Are we not able to in any way affect the budget as before us? Is it not possible to move to strike out the amount that is in the budget and replace it with half the amount, or something of that sort?

Senator Banks: Yes.

The Hon. the Speaker pro tempore: You can amend the report or vote against the report.

MOTION IN AMENDMENT

Hon. Nick G. Sibbeston: Honourable senators, I move to cut by one half the amount proposed in the report.

The Hon. the Speaker pro tempore: It is moved by Senator Sibbeston, seconded by Senator Adams, that the budget allocated in the third report of the Standing Senate Committee on Energy, the Environment, and Natural Resources be cut in half.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Hon. Tommy Banks: I wish to speak in opposition to the motion. I understand perfectly Senator Sibbeston's reservation with respect to this matter. He and I have discussed it. I understand it perfectly. In the application of a certain kind of logic, his position would make sense.

However, there is a tradition and a convention in this place to which I subscribe, and in which I believe, that would prevent by way of example of the opposite. One must always look at the exact opposite.

If the government were to decide to send two senators from a committee to examine some particular subject, whether in Canada or elsewhere, and to send only members of the government and

not any of the opposition, I would be opposed to that. I think it is inappropriate, in this place in particular, that any delegation representing any committee of this place should go anywhere to obtain any information without being accompanied by a member from the other side, as we call it.

What goes around comes around. That is a useful convention, to which I believe most people here subscribe. It is on the basis of understanding, as I have expressed to you my understanding of that convention, that I agreed in my meeting the Internal Economy Subcommittee when discussing the budget that it was appropriate, if one could be found, that a member of the government side should be part of the delegation of the committee going on this travel. It turns out that a member has been found. That member has now been made a member of the committee, albeit today.

Senator Sibbeston: That is tricky.

Senator Banks: I do not think trickery is an appropriate description of it. We all do that. I shall not be here next week for a meeting of a committee of which I am a member and I have recruited another person to stand in for me that day.

Senator Sibbeston: It is not the same thing.

Hon. Willie Adams: About a week and a half ago, we were in an in-camera meeting regarding the trip for the two members to London, England. There were five of us — Senators Banks, Cochrane, Angus, Sibbeston and myself. Senator Banks inquired as to who wanted to go on the trip. Senators Cochrane and Angus both said that they could not go to London. Senator Banks said that he could not go as a result of a previous commitment. The chairman asked Senator Sibbeston and me if we were able to go.

• (1740)

I looked into it and checked my schedule. He asked Senator Sibbeston if he was able to go. We had a caucus Tuesday afternoon in the Senate; I told the chairman I was very concerned about the trip. I asked him what was happening with the budget. Senator Banks said last Tuesday he would not know until Thursday.

Yesterday, I spoke to the Chairman of the Standing Committee on Internal Economy, Budgets and Administration, Senator Furey. He was saying that he had not received a request yet from the subcommittee regarding the budget for two persons to travel to London, England. I asked Senator Sibbeston whether the chairman received a proposal for the budget.

This morning I did not go directly to my office. I went to the committee and we found out that two people had been picked without consulting us. No one said, "Senator Adams, if you do not want to go, we will pick some one else; if Senator Sibbeston does not want to go, we will pick some one else."

I asked Senator Angus this afternoon how they made out at the subcommittee with respect to the budget for the trip. He said they were not consulted. Something is going on here. According to the *Rules of the Senate*, the subcommittee must report to Internal Economy, not only the chairman.

Members of the Energy Committee do a good job. Nunavut is affected by climate change. I have to travel there a lot. We do not have any highways. There are senators who live in Calgary and Toronto, and it is a lot different living in the Arctic. My concern is with where we live; I talk to friends living in the Arctic.

Honourable senators, I think we should vote on the motion; that is what we are here for. Climate change is affecting the land, the water, the lakes and the people living in northern communities. It would be nice if the committee members from there, those who know what is happening in the North, were able to visit other countries.

The Hon. the Speaker pro tempore: Senator Adams, will you accept a question from Senator Banks?

Senator Adams: No.

Hon. Michel Biron: Can I make an amendment to increase the budget by \$11,000 so Senator Adams can go to London?

Senator Cochrane: Senator Sibbeston wants to go, not Senator Adams.

The Hon. the Speaker pro tempore: Senator Sibbeston, do you wish to speak to your motion right now?

When I mentioned the motion a while ago, I said that the budget was accepted. The budget has been submitted in this report, but it has not been accepted.

We are dealing with Senator Sibbeston's motion that the budget that has been submitted be cut in half.

Senator Sibbeston: Honourable senators understand that being on a committee is hard work. It means going to committee meetings day after day, night after night. This morning we attended a committee meeting at 8 a.m. dealing with the Minister of the Environment. We all know the situation. We put a lot of work and effort into the work of a committee. I speak about the Senate whenever I can, and I talk about it in terms of senators being able to represent their regions. I always say that our committees are where most of the work gets done.

I can honestly say that the Aboriginal Peoples Committee is doing wonderful work these days. In our economic study, we have travelled to Inuvik, Yellowknife, Prince George, Kelowna, Northern Saskatchewan, Northern Manitoba, Nova Scotia; we have been to all regions of the country. This is the kind of effort and commitment that I and other senators put into committee work.

I also sit on the Energy Committee, and Senator Adams and I attend faithfully. Whenever we can, we raise issues about the North. We talked yesterday and this morning, too, about the North when the minister was before us. Global warming is indeed a reality, and we are beginning to see how it affects the North in many little ways that are noticeable. We said we hoped the North would not get too warm so too many people from the South would come North. We like the North the way it is — cold, with few people — and we want to keep it that way. That is the nature of the work we do.

The Standing Senate Committee on Energy, the Environment and Natural Resources has done a lot of hard work this fall dealing with the review of the Canadian Environmental

Protection Act. We have heard from several witnesses. We have had the minister before us and at various times we have had other legislation. This fall there was a delegation from England that met with us; it was a very good exchange of information.

Therefore, the opportunity arose to go on a trip to London with the Commissioner of the Environment and Sustainable Development. This was a number of weeks ago. The chairman asked who around the table would be interested in going to England. I put up my hand, as did Senator Adams and a others. I recognized that the chairman and the deputy chairman did not want to go.

A number of days ago I heard from the secretary of the committee that I was chosen to London, so I was very pleased. I was not sure if I could go or not, but I thought if I go to England, I will tell them about our environmental act and about the North and the effects of global warming. I also thought I could talk to them about the explorers who came North. Some froze to death and did not survive, but a few did and adapted to the northern way of life.

I thought it would be a good opportunity to represent the North and the Senate. Innocently, perhaps naively, I thought this would be an opportunity to go to England and see the Queen and talk to people about the environment.

• (1750)

Lo and behold, today or yesterday I was advised that I could not go. There was some kind of process in place that a member from the government and from the opposition must go. I was told I could not go and that some other senator was going.

I was told that someone at the Conservative caucus considered allowing me to go but did not have the kindness, gentleness or whatever to allow someone like me to go. Instead, they insisted on a Conservative member.

What I object to, honourable senators, is the fact that as the chairman says, someone is magically appointed to the committee. I think it is only smoke and mirrors and trickery to say now she is a member of the committee and she can go on the trip. I think that is wrong; that is just lying. It is not right to say, now we have someone on the committee who is going. The person was appointed only today.

What I object to is that the person will not have the knowledge we who have been on the committee for months and years have to contribute to the meeting that will take place. Some kind of archaic rule is in place that prevents committee members from going. At times, it could be the government or the opposition side but as long as we are on the committee, if there is an opportunity, we should be able to go on trips such as this because we are knowledgeable and we can contribute.

It is fine for Senator Tardif to go. She is on the committee and she can contribute to the discussions in England. However, for someone new to take part that has not been on our committee, in my view, that makes it a junket. We will be criticized by the public for sending a senator to England who has not been involved with our committee for all these months and years.

What will a person from Toronto say about global warming and our whole country?

The reason I made the motion is I think we should be serious if we do not want any criticism. The trip to Dubai raised a lot of criticism about senators travelling abroad. This situation will involve a senator who has no knowledge of, or experience on, our committee going to London on a trip — a shopping trip or a junket, in my view. As a Senate, we will be criticized.

For this reason that I have made the motion to cut the budget in half. It should be possible for Senator Tardif, who has been a faithful member of our committee, to go on that trip and contribute. Otherwise, in my view, it will be a waste of money.

Let us do something about this archaic rule. I notice that at the moment there are 62 Liberals and 22 Conservatives in the Senate. On this basis, there will always be three times more opportunities for them than for us.

A process we have has made it so that committee members cannot go on a trip. If an archaic rule is in our way, let us change it so this sort of thing does not happen again.

Let us not be so partisan. I come from an area where there is no partisanship. I think the Senate works well as long as there is no partisanship, where we all do our work based on the merits of the case. Most of our committees work this way. When partisanship shows its face and neck, in my view, it spoils the hard work, energy and good will that we would otherwise have.

The Hon. the Speaker *pro tempore*: Senator Sibbeston, Senator Banks wants to ask a question. Will you accept questions?

Senator Sibbeston: Yes, of course.

Senator Banks: As I said, I understand the honourable senator's thinking perfectly. However, I want to make sure — and so I ask him — whether he is aware of a couple of distinctions. Before I do that, I want to make clear to the honourable senator — I am looking at the proposed schedule of work — that there is not much time here for shopping. These meetings that are scheduled now are morning, afternoon and evening on the three days that the members will be in London.

I need to ask the honourable senator two things. Does he remember that every member of the committee was notified by email on five occasions, including an occasion before the in-camera meeting to which he and Senator Adams have referred, to ask who might be available if this were to happen and if the date could be solidified? There were five such notifications from the clerk of the committee to every member of the committee.

The first member who responded was Senator Tardif. The second member who responded, Senator Sibbeston, was yourself — positive responses. Are you aware of the fact and do you remember the fact that those messages went out before the meeting? I raised it again at several subsequent meetings, as well, always finding out — because the date kept changing — who was available to go. Has the honourable senator's plans changed? Who is available to go?

Second, as members of the Internal Economy Committee know, I believe that when committees travel as committees, the budget must provide that every single member of that committee is

provided for in that budget to travel, without exception. Every single member of that committee must be provided for in the budget, whether it is to hold hearings, or even if it is a fact-finding mission. The budget should provide that every single member can go, regardless of whether or not they all can. That is a practice we should follow.

I want to ensure that the honourable senator understands that this is neither committee hearing travel nor is this committee-fact-finding travel. This travel is in response to an invitation channelled through the British High Commission in Ottawa for the Senate committee to send two members to accompany the commissioner to London.

Therefore, the number of senators that are planned to go on this trip — which is not shopping but meetings morning, afternoon and evening — is two. It is correct when you say the two that were selected were Senator Tardif and yourself because, at the time, that was who was available. That was what was presented to the budget subcommittee, as members of that subcommittee will attest.

At that meeting the question was asked that if a Conservative can be found to go, given the convention, would we agree to that? Since I agree with that convention, I could not disagree with it.

I want to ensure, first, that you are aware that we notified every member of the committee, whether they were there or not; and, second, that this travel is not a committee hearing or fact-finding travel. It is a delegation responding to an invitation for two members to go.

Senator Sibbeston: Honourable senators, of course, the answer to both questions is yes. I was in Fort Simpson when the call came as to whether I would be interested. I told my assistant to indicate that, of course, yes, I would be.

With respect to the second part, I know it is a working group and not the whole committee. I guess where things have gone wrong, instead of making it possible for committee members to go, the Conservative caucus, when they dealt with it, decided that they must insist on that rule of one other member attending. That is my point.

Did they not have in their heart the kindness and understanding to be able to send someone like me to England, who has been involved with the committee, rather than insist on one of their Conservative members, who is not on the committee and who may not be able to contribute meaningfully to discussions? That is what I do not like about partisan politics. I do not come from that culture. I do not understand it sometimes and I become flustered by it.

• (1800)

Senators come here with all of their goodwill and energy to work for people but become disappointed and frustrated when they cannot talk and when they are denied an opportunity such as this.

The Hon. the Speaker *pro tempore*: Honourable senators, it is six o'clock. Is there agreement to not see the clock?

Hon. Senators: Agreed.

Hon. Mobina S. B. Jaffer: I shall speak to the motion in amendment. Honourable senators, I feel duty bound to speak because our colleague, Senator Nancy Ruth — who is a credible and knowledgeable person — is not here to defend herself. The issue we are discussing is not about a particular senator; it is an issue of selection, so we should not bring in a particular senator on this issue.

When I came to the Senate, I was told that I was coming to a fairly non-partisan house. One of the things the Senate prides itself in is its representation of minorities. Today, two honourable senators have expressed clearly that they have a role to play in going to London. I am saddened that the leadership worked this out privately before today's sitting. I urge both leaders to work this issue out so that it is not aired in the house for continued debate. I would ask that the opposition leader and the government leader work this out. There is a convention, and I respect the convention, but we must consider the representation that we are all so proud of. I urge both leaders to find a way to give voice to the people who have spoken today.

Hon. Anne C. Cools: Honourable senators, although I missed much of this debate, it has captured my interest because I looked up and realized that our two Aboriginal senators, Senators Adams and Sibbeston, were in a position of being suppliants in this house.

Senator Banks: No!

Senator Cools: Yes. Senators Adams and Sibbeston are appealing to the house — to all senators — to examine and to consider what has happened. There is a racial division right now, regardless of whether we want to see. That division is very marked to me. I do not know many of the issues, but it is clear that our two Aboriginal senators, one Dene and one Inuit, have been so moved or bothered by the situation that they have brought the matter before the house. I am bothered by the issue, also, and that is amplified by the fact that Senator Jaffer, another person of colour, saw fit to make such an observation as well.

I am not sure if I am the fourth senator who is a person of colour to speak to this, but we might be creating a coloured corner here, you know. We had better be careful. That is how it is looking and sounding. I do not know what premises, principles or standards were deployed to make such a choice, but I would say, honourable senators, that this does not look good and it does not sound good. I have seen this same situation develop before, not over this particular issue but over other issues. Perhaps it is because of my affection for Senator Adams and Senator Watt and my deep respect for Senator Sibbeston that this issue causes me to rise and speak. Obviously, Senator Adams has raised this because he has been moved by what he perceives to be some kind of injustice or misunderstanding.

I do not know quite what to suggest. Many decisions are made in the Senate about travel that I can only describe as bewildering. Senator Jaffer has spoken for Senator Nancy Ruth, who is not here to add her voice. In listening to the debate, I thought I heard that this trip came about as a result of an invitation. I believe Senator Banks said that this is not a fact-finding mission.

Senator Banks: That is correct.

Senator Cools: Senator Banks said that the trip is the result of an invitation from the British High Commissioner to the Senate to send two senators. If it is not part of the normal duty of a committee, then even more attention should be paid to the selection process.

For clarification, I quickly rummaged through the papers on my desk and I see before me the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources, signed by Senator Banks, Chairman, and dated Thursday, December 7, 2006. At page 3, the heading reads as follows:

SPECIAL STUDY
EXPLANATION OF BUDGET ITEMS
APPLICATION FOR BUDGET AUTHORIZATION
FOR THE FISCAL YEAR ENDING MARCH 31, 2007

The chart that follows reads, in part: Travel Expenses

Travel for Fact-Finding to London, England

Participation: 2 Senators.

I do not know whether this refers to the same trip or a different trip.

Senator Sibbeston: It is the same trip.

Senator Cools: That is why I am groping a bit. Is this the same trip that is described on page 3?

Senator Banks: Yes.

Senator Cools: This page describes it as a fact-finding trip to London, but Senator Banks said a few minutes ago that the trip was not a fact-finding one. Perhaps the honourable senator can provide some clarification.

I sense that Senator Adams feels somewhat offended that he was not considered in the selection process of two people for this trip. I am not proposing or even considering for a moment that Senator Banks might have done anything wrong or improper, so do not misunderstand me.

When a senator rises and literally places his or her heart before this house — as Senator Adams has done — honourable senators have a responsibility to listen. I called one of the staff over to find out a bit more about this. I was told that the trip begins tomorrow. Undoubtedly, that is why Senator Nancy Ruth is not here. I do not know if there is anything that can be done, but is it possible that the committee could accommodate a third senator, Senator Adams? I am not sure whether Senator Adams was even properly considered. Perhaps, Senator Banks could help me in understanding this matter.

I wear brown skin and I am very attached to it. I am sensitive when I see a situation develop and divide as it did. We should pay more attention to this issue.

• (1810)

Can I have some explanation? Senator Banks, if Senator Adams has found an affirmative response among senators here, is there some way that he can be accommodated? There must be a solution to some of this matter; it must be difficult for Senator Adams to bring this matter before us. I have no doubt he must feel a degree of embarrassment and shame.

Is it possible that, somehow or other, some accommodation can be made? Is it within the realm of possibility or is it not possible? I have no idea.

Hon. Sharon Carstairs: Honourable senators, we are clearly going around in circles here.

Senator Stratton: Yes, thank you.

Senator Carstairs: I deeply regret the motion that Senator Sibbeston raised, and for many of his comments. I would have been much more open to the motion that Senator Biron had in fact proposed, but it was out of order at that particular moment, which was that we add another member to the delegation. That proposal would have given me much more comfort.

Let us be clear what happened here. Five emails went out to senators. Senator Tardif responded immediately. Senator Sibbeston responded later, but he was number two.

Senator Sibbeston: No, at the same time.

Senator Carstairs: So it went to Senator Tardif and it went to Senator Sibbeston. If Senator Sibbeston had responded first and Senator Tardif second, then presumably Senator Sibbeston would have been the member from this side of the delegation.

Senator Sibbeston: We do not know that.

Senator Carstairs: That leads to a broader issue, and that is: Should both sides be represented in delegations of any kind, whether they be invitations or fact-finding? I think the staff uses the term "fact-finding," but that is not the correct term in this particular case.

The reality is that both sides should be represented, because when we come back from these trips we tend to talk to our own colleagues about what we saw, what we learned and what was proposed to us. To have the Senate represented by both sides is always a good idea.

I frankly resent the suggestion that if we do not live up North we do not understand the environment. That is the implication of some things that Senator Sibbeston said. I do not live up North, but I know of the effects of climate change on Canada. I am not a George W. Bush who does not seem to think it exists. I know it exists. I know its implications. I think to categorize another senator because she lives in Toronto as having no knowledge about climate change is desperately unfair.

I think Canadians are becoming alert to the concept of climate change. We are becoming desirous of making substantive change to the way we do things because of climate change. I will vote against the motion because I think it is petty, frankly, to want to remove a member of the government from attending.

However, if there were a subsequent motion agreeing to raise the amount so that a third person could attend, I would be prepared to support that.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I would like to second wholeheartedly Senator Carstairs' remarks about the importance of senators from all parts of this country learning everything they can about climate change. It is absolutely true that in the North the effects will be severe, are already severe and will continue to be even more severe, but it is true that no part of Canada will escape. No part of Canada is now escaping the effects of climate change. It is vital, in my view, that legislators from all parts of Canada be aware of that.

However, I want to suggest that if we adopt Senator Carstairs' suggestion, which was previously made by Senator Biron, it must be on condition that those who uttered this invitation agree. Senator Banks has explained to us that the invitation was for two senators and only two senators. I have always accepted the convention that both sides of the chamber should be represented on all such trips. There is not one of us in this chamber who has not had to grit their teeth and stand aside to see someone from the other side go on a trip that they would have loved to take.

We cannot impose a third senator. It is important to understand that. We would not want the representatives of a foreign government imposing things on us. All we can do is make it possible, if the chamber so wishes, for a third senator to go. We certainly cannot impose that requirement on anyone.

Senator Adams: Honourable senators, in case the motion passes, I do not want to put my name in to be accepted as the third party. I put my name in at the beginning, but even if I were to be chosen as a third party to make a trip to London, England, I will not accept it. I did not receive the request the first time. My secretary had a voicemail this morning at about eight o'clock or nine o'clock that I was not chosen to go on the trip to London. That is why even if the motion passes at this time, I will not go.

The Hon. the Speaker pro tempore: Honourable senators, to make things clearer, we have the motion of Senator Banks to adopt the third report. We then have a motion in amendment to that report. We will vote now on the motion in amendment.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

Senator Sibbeston: Agreed.

The Hon. the Speaker pro tempore: On division.

We go back to the main motion. It was moved by the Honourable Senator Banks, seconded by the Honourable Senator Mahovlich, that the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Jaffer: For clarification, there was, I understood, another motion being made by Senator Carstairs or Senator Biron.

The Hon. the Speaker pro tempore: The motion was not put forward, Senator Jaffer. It was discussed and it was suggested, but it was just a wish.

Motion agreed to and report adopted.

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on National Security and Defence (budget—study on national security policy for Canada), presented earlier this day.

Hon. Colin Kenny moved the adoption of the report.

• (1820)

He said: Honourable senators, the purpose of this report is to include a senator that previously was unable to go and managed to rearrange their schedules so that they could attend this trip. This budget reflects the costs associated with the additional senator.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Robichaud, P.C.*)

The Hon. the Speaker pro tempore: Honourable senators, Senator Poy has asked permission to answer a question that was asked during debate on this inquiry.

Is leave granted for Senator Poy to have five minutes to answer that question?

Hon. Gerald J. Comeau (Deputy Leader of the Government): We agree to five minutes.

Hon. Vivienne Poy: Honourable senators, pursuant to rule 37(1), I have sought leave of the Senate to speak a second time on this inquiry to clarify certain parts of my speech given on November 21, 2006, about which Senator Tkachuk raised some questions.

My speech focused on the importance of literacy programs to immigrants of working age, since they score significantly below Canadian-born individuals on literacy tests. I pointed out that an increasing number of immigrants, like me, do not speak English or French as their mother tongues. Yet, they are an important part of our labour market because they are predicted to account for almost all net labour force growth by 2011.

Senator Tkachuk asked how the cuts to literacy funding have affected immigrants. Although all immigrants are foreign born, there is a difference between newcomers and those who have been in Canada for a number of years and are now citizens. It is true that adult newcomers to Canada do receive federal funds for language training provided by Citizenship and Immigration Canada with federal-provincial agreements through the Language Instruction for Newcomers to Canada, LINC, program.

LINC clients can participate for up to three years from the time they start training. Quebec, Manitoba and British Columbia negotiated separate agreements with the federal government but have programs similar to LINC.

Citizenship and Immigration Canada also provides limited funding to the Enhanced Language Training Initiative for higher levels of language training to help foreign-trained professionals find work. However, these programs are not open to Canadian citizens, many of whom are immigrants. As of May 15, 2001, 5.4 million people, or 18.4 per cent of the total population, were foreign born. Today, almost 20 per cent of our total population is foreign born, and in Toronto the proportion is almost 50 per cent.

Eighty-one per cent of immigrants who arrived between 1986 and 1995 have become citizens. Recent immigrants take up citizenship more quickly than earlier immigrants, with most obtaining citizenship after three to four years, as soon as they are eligible.

The executive director of the Ottawa Community Coalition for Literacy notes that immigrants find that LINC training focuses too much on speaking skills and does not give them the document literacy skills they need to function and work in Canada. Once they become citizens, they end up in regular literacy classes.

A study published in the year 2000 found that in Ontario alone 67 per cent of immigrants failed to reach level 3 in document literacy, a level generally considered minimal for functioning adequately in Canadian society.

A list of the literacy cuts across the country can be found on ABC Canada Literacy Foundation's website. All of these cuts affect immigrants who are citizens or no longer eligible for LINC as much as they affect other Canadians.

To summarize, in Alberta, half the literacy funding has been cut. The Saskatchewan Literacy Network is in imminent jeopardy of closing its doors, which means that the support for their literacy system will be eliminated. In Manitoba, Literacy Partners of Manitoba will lose about 80 per cent of its funding. In Ontario, the development of adult literacy teaching resources, research and professional development will be severely reduced. In Quebec, the Quebec English Literacy Alliance in Lachute faces closure, and

the operating budget for Regroupement des groupes populaires en alphabétisation du Québec is effectively cut in half. In Newfoundland and Labrador, the provincial body will only be able to survive on surpluses for about five months. These are only some of the results of the cuts.

As many immigrants are of working age and are crucial to our labour productivity, their success will in many respects determine Canada's future. I firmly believe that cutting literacy funding is hurting Canadians, and I am pleased that the Standing Senate Committee on Social Affairs, Science and Technology has been authorized to examine this issue.

Hon. Bill Rompkey: Honourable senators, I want to thank Senator Fairbairn for bringing this issue forward.

I wish to speak on the issue with regard to my home province, and my comments will be in line, to a degree, with what Senator Sibbeston said yesterday. However, I notice that the hour is late. I wonder whether the Senate would allow me to adjourn the debate in my name to continue at a later time.

Hon. Senators: Agreed.

On motion of Senator Rompkey, debate adjourned.

• (1830)

[Translation]

THE SENATE

MOTION TO URGE GOVERNMENT TO RECONSIDER DECISION TO DISCONTINUE THE COURT CHALLENGES PROGRAM ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That the Senate urge the Government of Canada to reconsider its decision to discontinue the Court Challenges Program which has enabled citizens to seek redress and assert their rights guaranteed under the Constitution and particularly the Charter of Rights and Freedoms;

That the Standing Senate Committee on Official Languages be authorized to study and report on the benefits and results that have been achieved through the Court Challenges Program;

That the Committee submit its final report no later than December 22, 2006; and

That a message be sent to the House of Commons informing it that the Senate regrets the Government's decision to terminate the Court Challenges Program and urges it to take action to persuade the Government to reconsider that decision.—(Honourable Senator Comeau)

MOTION IN AMENDMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move:

That the motion be amended by replacing the words "Official Languages" with "Legal and Constitutional Affairs" in the second paragraph;

That the words "December 22, 2006; and" be replaced with "Wednesday, February 28, 2007."

That the last paragraph be deleted.

I discussed this motion with Senator Joyal and I believe he will indicate his agreement so that we can adopt it as amended.

Hon. Serge Joyal: Honourable senators, I would like to confirm the amendments moved by Senator Comeau. They involve three items. The first is to refer the motion to the Standing Senate Committee on Legal and Constitutional Affairs, since the Court Challenges Program does not just concern linguistic rights but other sections of the Charter, among others section 15, which addresses equality, and the sections on the equality of men and women.

Accordingly, since this is a broader mandate, it would be appropriate to refer the matter to the Standing Committee on Legal and Constitutional Affairs.

The second amendment is on the date of the committee's report. The motion initially gave December 22 as the date for tabling the report. It is clear that the committee will not have enough time before then to conclude its work. That is why Senator Comeau is proposing the end of February.

Finally, the last paragraph is, in a way, a moot point since the other place has already voted on the matter. Thus, there is no need to keep the third paragraph.

I completely support the amendments moved by Senator Comeau.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

Motion agreed to.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion as amended?

Hon. Senators: Agreed.

Motion as amended agreed to.

[English]

AGREEMENTS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AND TERRITORIES ON CHILD CARE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Trenholme Counsell calling the attention of the Senate to concerns regarding the Agreements in Principle signed by the Government of Canada and the Provincial governments between April 29, 2005 and November 25, 2005 entitled "*Moving Forward on Early Learning and Child Care*", as well as the funding agreements with Ontario, Manitoba and Québec, and the Agreements in Principle prepared for the Yukon, the North West Territories and Nunavut.—(*Honourable Senator Fraser*)

Hon. Jim Munson: Honourable senators, it is late in the day. I will reserve my time and adjourn this debate on child care. I think it is important, and I do not want to rush through a ten-minute speech late in the evening. We will come back to this likely sometime next week.

On motion of Senator Munson, debate adjourned.

AGING

MOTION TO AUTHORIZE SPECIAL COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

Hon. Sharon Carstairs: Honourable senators, in that it has been determined that the Senate will not sit until 6:00 p.m. on Monday, I withdraw this motion.

BUSINESS OF THE SENATE

Hon. Serge Joyal: I am under the impression, honourable senators, that earlier on Senator Smith moved a motion, and I thought it was postponed to later today. It was essentially a motion to extend the terms of reference of the Special Senate Committee on the Anti-terrorism Act. Since Senator Smith has left —

Senator Prud'homme: He is temporarily absent.

Senator Joyal: Essentially, Senator Smith's motion was to extend the date for the Special Senate Committee on the Anti-terrorism Act to submit its final report from September 22 to March 31, 2007, and that the committee be empowered in accordance with rule 95(3) to meet on weekdays in January, 2007, even though the Senate may then be adjourned for a period exceeding one week. I am under that impression, but I might be wrong. When Senator Smith left, he asked me to speak on the motion when it was called. That is why I raised it. I cannot be of further assistance to the house because I did not know I would have to speak on this.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I am trying to recall. I spent most of the day in the Senate, and I do not recall Senator Smith having tabled such a motion. Even if he had, we would have stood it.

The Senate adjourned until Monday, December 11, 2006, at 6:00 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 39th Parliament)

(indicates the status of a bill by showing the date on which each stage has been completed)

Thursday, December 7, 2006

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs	06/12/06	0 observations			
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23		

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 + 3 at 3 rd amend. (including 1 report) 06/11/09 Total 158	06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21 Referred to committee 06/11/23 Report adopted 06/12/07		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications					
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03		
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06							
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs					
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21							
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs					
C-24	An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence	06/12/06							
C-25	An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act	06/11/21	06/11/28	Banking, Trade and Commerce					
C-34	An Act to provide for jurisdiction over education on First Nation lands in British Columbia	06/12/06							
C-38	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.2, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-39	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.3, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06		

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources					
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans					
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							
PRIVATE BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07		

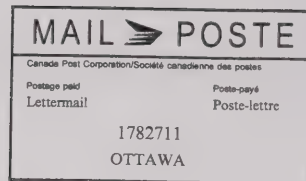
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CANADA

Debates of the Senate

1st SESSION

• 39th PARLIAMENT

• VOLUME 143

• NUMBER 59

OFFICIAL REPORT
(HANSARD)

Monday, December 11, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

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THE SENATE

Monday, December 11, 2006

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. John Steffler, the incoming Poet Laureate.

On behalf of all honourable senators, I welcome you to the Senate of Canada and extend their best wishes to you as the Parliamentary Poet Laureate.

Hon. Senators: Hear, hear.

SENATORS' STATEMENTS

DIVERSITY AND PLURALISM IN THE SENATE

Hon. Donald H. Oliver: Honourable senators, I was deeply saddened with some of the debate that I heard in this chamber last Thursday. It manifested injustice and unfairness. It was intrinsically a denial that we are all equal in this place and, sadly, it showcased the disadvantage that the four target groups have in this place. You may ask: What are the four target groups of which I speak? Some 20 years ago, as you know, the Government of Canada determined that there were four groups of Canadians who were treated unfairly, not treated equally, were discriminated against and who were accordingly in need of special measures to bring them to the same status as the Canadian majority.

The four groups are women, the disabled, Aboriginal peoples and visible minorities. In Thursday's debate in this place we heard words of anguish from women, Aboriginals and visible minorities and it was distressing.

Honourable senators, I cringed in my seat when I heard the cries for help from our colleagues. This chamber needs to have a candid look at what is happening to it.

I have tried for some 17 years to raise issues of sensitivity to race, issues of diversity, of pluralism, of equality and of human rights and, as painful as it is, I admit that I have been largely unsuccessful. We will never make headway on our systemic problem until the majority recognizes the issue and together undertakes to resolve it.

I listen, honourable senators, when Senator Mercer and Senator Munson talk about the accomplishments of Senate committees and the work of individual senators, as they frequently do, and

never is there reference to the diversity agenda. I will be happy when the day comes when they can talk openly about our achievements in this place in combating racism.

• (1805)

Inequality and discrimination are not matters easily to talked about, particularly not when it touches home. I have spoken frequently in this chamber of the weak demographic statistics in the Senate administration, and I ask you: Is this place representative of the mosaic of Canada? I have spoken of the lack of representation of the four target groups when successive speakers have showcased Canada abroad. As some honourable senators are aware, I have had the great honour to speak to issues of pluralism, integration as Europeans call it, our multicultural tradition and racism in many countries of the world over the last couple of years. I have learned a lot about the global problem of insensitivity and barriers to the advancement of certain classes of people.

My recommendation, honourable senators, is that this institution must come to grips with why the federal government isolated four target groups. The majority in this place must take the steps to make pluralism a reality. I recommend that the leadership and the Speaker of the Senate help to create a dialogue that is conducive to finding a resolution to this problem.

SUPREME COURT OF CANADA

DECISION ON MALISEET AND MI'KMAQ LOGGING RIGHTS ON CROWN LANDS

Hon. Serge Joyal: Honourable senators, last Thursday, December 7, the Supreme Court of Canada released its decision in a very important case involving the Maliseet and Mi'kmaq, two Aboriginal peoples of New Brunswick. The decision formally recognized the constitutionally protected right of those Aboriginal peoples to harvest timber for personal use on Crown lands. The case involved an important question of Aboriginal title: the right to harvest wood on Crown lands. That explains why the Attorney General of Canada intervened in the Supreme Court of Canada case, as did six provinces: Ontario, Quebec, Nova Scotia, Alberta, British Columbia and Newfoundland and Labrador.

Originally, two Maliseet, Dale Sappier and Clark Polchies, and one Mi'kmaq, Darrell Joseph Gray, were charged under the Crown Lands and Forests Act of New Brunswick for having cut down trees without a permit on Crown lands. They alleged that they had traditionally harvested wood on that territory and had an ancestral right to such a practice.

In order to conclude whether the offenders had an Aboriginal right, the Supreme Court of Canada had to determine the meaning of what constitutes "a distinctive Aboriginal culture." The court determined what a culture is and what makes it distinctive in an Aboriginal context.

First, the court elaborated on the meaning of the concept of "culture." The court stated:

Culture, let alone "distinctive culture", has proven to be a difficult concept to grasp for Canadian courts.

The court also stated:

What is meant by "culture" is really an inquiry into the pre-contact way of life of a particular aboriginal community, including their means of survival, their socialization methods, their legal systems, and, potentially, their trading habits.

Further, the Supreme Court stated:

The use of the word "distinctive" as a qualifier is meant to incorporate an element of Aboriginal specificity. However, "distinctive" does not mean "distinct," and the notion of aboriginality must not be reduced to "racialized stereotypes of Aboriginal peoples."

The court also clearly established that "Section 35 of the Constitution Act, 1982, seeks to provide a constitutional framework for the protection of the distinctive cultures of Aboriginal peoples so that their prior occupation of North America can be recognized and reconciled with the sovereignty of the Crown.

This decision, honourable senators, is a seminal one. It will help provincial and federal governments and Canadians in general, to better understand the scope and meaning of a distinctive Aboriginal culture in Canada.

[Translation]

I would remind the Senate that it was the Maliseet and Mi'kmaq peoples who Jacques Cartier met in the Gaspé Peninsula in 1534 and who Samuel de Champlain may have also met in Acadia in 1604, and that it was these Aboriginals who facilitated the first contact on Canadian soil. It seems a just reward that, 450 years later, the Supreme Court of Canada is now recognizing the rights of these two communities to a distinctive Aboriginal culture.

• (1810)

[English]

ROUTINE PROCEEDINGS

PLAN OF ACTION FOR DRINKING WATER IN FIRST NATIONS COMMUNITIES

PROGRESS REPORT TABLED

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a progress report on the Action Plan for Drinking Water in First Nations Communities.

[Senator Joyal]

EXPERT PANEL ON SAFE DRINKING WATER FOR FIRST NATIONS

REPORT TABLED

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the report of the Expert Panel on Safe Drinking Water for First Nations.

[Translation]

ABORIGINAL HEALING FOUNDATION

REPORT TABLED

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2006 final report of the Aboriginal Healing Foundation.

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Monday, December 11, 2006

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

TENTH REPORT

Your Committee recommends that the operating budget of the Opposition Whip be increased by \$10,000 and that an additional amount of \$75,000 be allocated to the Leadership of the Opposition.

Respectfully submitted,

GEORGE J. FUREY
Chair

The Hon. the Speaker: When shall this report be taken into consideration, honourable senators?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ELEVENTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Monday, December 11, 2006

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

ELEVENTH REPORT

Your Committee recommends that the entitlements of the Leader of the Opposition be amended to include an allocation for transportation. The allocation recommended is identical to that offered to Deputy Ministers and to the Leaders of the Opposition Parties in the House of Commons.

Respectfully submitted,

GEORGE J. FUREY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken in consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THE SENATE

NOTICE OF MOTION TO EXTEND WEDNESDAY SITTING AND AUTHORIZE COMMITTEES TO MEET DURING THE SITTING

Hon. Terry Stratton: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That notwithstanding the order of the Senate of April 6, 2006, when the Senate sits on Wednesday, December 13, 2006, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, December 13, 2006, be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Translation]

BUDGET IMPLEMENTATION BILL, 2006, NO. 2

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-28, a second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1815)

[English]

FEDERAL ACCOUNTABILITY BILL

MESSAGE FROM COMMONS— SENATE AMENDMENTS CONCURRED IN

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, and acquainting the Senate that they have agreed to the amendments made by the Senate to this bill without further amendment.

Some Hon. Senators: Hear, hear!

ORDERS OF THE DAY

JUDGES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Comeau, for the second reading of Bill C-17, to amend the Judges Act and certain other Acts in relation to courts.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Stratton, bill referred to the Standing Senate Committee on National Finance.

[Translation]

FIRST NATIONS JURISDICTION OVER EDUCATION IN BRITISH COLUMBIA BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon, for the second reading of Bill C-34, to provide for jurisdiction over education on First Nation lands in British Columbia.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I know that we are always very pleased to see that Canada's Aboriginal peoples are making progress in their long struggle to regain control of their institutions.

The bill before us is a major step toward reaching that goal because it will transfer jurisdiction over education, from kindergarten to grade 12, to First Nations on Aboriginal lands in British Columbia.

[English]

This bill is legislation to implement the federal side of a framework agreement signed in July by the federal government, the Government of British Columbia and the First Nations Education Steering Committee, which is the body representing First Nations in the negotiations. This framework agreement fulfilled a tripartite commitment that was made by the same three parties in July, 2003. That commitment was itself the product of three years of negotiations. In other words, this bill is the fruit of years of work under successive governments.

• (1820)

It is, of course, not the last word. It is more like what Churchill called "the end of the beginning." As every parent and teacher knows, few community activities are more controversial or harder to organize properly than the public school system, and the participating First Nations will not find the task any easier than any other community. However, now it will truly be their task, one they will be able to tackle in their own way and according to their own priorities. They will have the control.

First Nations in British Columbia that negotiate and sign individual agreements to participate in this process will have law-making powers, and the agreements, once signed, will have the force of law. It is also the First Nations who will appoint the board of directors of the new First Nations education authority which will be established under this act. That authority will have the mandate to help the participating First Nations to develop their capacity and, where requested, to enter co-management agreements. These could include such matters as establishing standards, certifying teachers and so on.

Participating First Nations will be able to establish their own Community Education Authorities to run their schools — basically school boards — including the setting and enforcement of standards for curricula and teacher certifications, and the issuing of graduation certificates. These standards will have to be recognized by the provincial government and there will have to be transferability between First Nations and provincial public

schools; that is, students will have to be able to move between the two systems, which will obviously require compatibility of curricula and standards. However, within that framework, the participating First Nations will be able to run their schools in the way they believe best suits their communities. They will also be able to join together with neighbouring First Nations to provide joint education systems if they so choose.

Surely this new system will help — it certainly should help — to lessen the high dropout rate that now afflicts so many Aboriginal communities, not only in British Columbia but across Canada. We know that completing high school is the single best predictor of success in any Canadian's life. I am not talking here only about material success, although heaven knows that escaping the poverty trap is a wonderful goal. I am also talking about the kind of personal, emotional and social stability that is easier to obtain if one has the tools to participate fully in the community, tools that are directly related to education.

It also seems to me that the new school system should be extremely helpful, in particular, in helping First Nations to preserve their languages and cultures. For decades, that struggle has too often seemed like a losing battle. The other day, for example, I was visited by the chief of one First Nation in British Columbia who told me that among the 10,000 members he represents, only 200 still speak their Aboriginal language. It is truly a race against time to recapture that language before the last speakers today are gone, and to train teachers to transmit the language to the next generations of children who will be going to the on-reserve schools in the participating First Nations. Language is a vital part of identity, the principal vehicle for expressing and communicating the unique culture that shapes each community, including First Nations.

[Translation]

We cannot imagine the stress felt by the community and individuals who know that their ancestral language is disappearing and, with it, their history. In many cases, it seems that these are strictly oral languages. There is only the oral tradition available to transmit the richness of the values, customs and history of these First Nations.

I believe that it is vital that they be preserved.

[English]

It is a pleasure for me to say that I strongly support this bill. That does not mean, however, that I have no questions. For some guidance, I turned to the debates in the other place, but they were not particularly helpful because our colleagues down the hall, perhaps carried away by their enthusiasm for this project, actually did not debate it much. They had a brief debate at second reading; then, as they sometimes do, they deemed the bill to have been referred to Committee of the Whole, deemed it to be reported back without amendment, deemed it to be read a third time and deemed it to be passed.

Senator Murray: The same old story.

Senator Fraser: As I suggested at the outset, I expect that most senators are also enthusiastic about this bill, but we do intend to examine it in committee.

Here are some of the things I would like to know. The first is the perennially toughest one: money. How much will it cost to implement this bill properly? There is no point doing it if it is not done properly. What will be the budget of the First Nations education authority? Will there be proper funding to help participating First Nations establish their new on-reserve systems? Will extra continuing funding be needed, beyond whatever is or is not now provided? I gather there are assurances that the money will be there when it is needed, but it would be appropriate to have something more specific than that.

Honourable senators may recall that education was one of the key components of the Kelowna Accord, for example, and it was not cheap. The Kelowna plan included more than \$1 billion over five years to promote innovation in on-reserve education, which is of course the topic of this bill; it is what this bill is all about.

I might also mention that the Kelowna Accord also took a broader approach to education. It would have provided, in addition to the \$1 billion I just mentioned, \$500 million over five years for bursaries, scholarships and apprenticeships; \$150 million over five years for off-reserve education, including \$50 million for the North; and \$100 million over five years for urban, Metis and northern Aboriginal initiatives to prepare children for school.

The current government decided not to proceed with the Kelowna Accord. I think that was a bad decision, but it is what the government decided to do and we live with that. I do hope that when new initiatives come forward, such as the one in this bill, they will be properly funded.

Another question is this: How long is it expected to take for the changes actually to be implemented on the ground? We all know that major institutional change is far easier to announce than to do, but while the changes are being designed, checked, approved and funded, children are growing up who need better schooling now. How long will they have to wait?

For that matter, how many children are expected to be affected by this new system? I understand that there are now about 6,000 students in on-reserve schools in British Columbia and another 11,000 in provincial schools, some of whom might well, one would hope, return to on-reserve schools if the schools were there and were adequate to their needs. However, there is no indication in this bill of how many B.C. First Nations intend to participate in the new system. Participating First Nations are to be listed in the schedule, but at the moment the schedule is blank; it is a big white page. I understand that some First Nations have indeed indicated their intention to participate. It would be most helpful to know which and how many.

Finally, honourable senators, let me echo a warning note that has already been sounded by the Assembly of First Nations. The framework agreement that has been signed in British Columbia is an historic achievement. It is another step on a long road back from the tragic history of so much of Aboriginal education, the history best known for the residential schools which brought so much grief to so many. Yet this agreement is not necessarily a template for other jurisdictions.

Everywhere in Canada there are, have been or will be negotiations to restore to Aboriginal peoples the full educational rights that they need and deserve, but no two parts

of Canada are the same. There may be great similarities in some respects, particularly in the plain fact that the present system too often fails its clients, the children, but there are also huge differences.

Different First Nations have different histories, different legal situations and different priorities. The Cree of James Bay, for example, are in a vastly different situation from the Innu of Labrador. There can be no question of assuming that one size fits all, that an agreement tailored to the particular needs of British Columbia First Nations will necessarily suit other First Nations.

Perhaps I should also mention that First Nations that choose to participate in this bill's system will not be signing away any gains they might make in future comprehensive agreements. Such future agreements could supersede the individual agreements that First Nations reach under this bill, and that, I think, is probably a useful protection for the First Nations as they go forward and might indeed encourage some of them to participate in this educational project.

In conclusion, honourable senators, let me congratulate all those who worked to achieve this agreement. It is hard to imagine a more worthwhile endeavour. If the new system is well implemented, generations of First Nations children will be the beneficiaries.

• (1830)

Hon. Gerry St. Germain: Honourable senators, I encourage all senators to support Bill C-34 and enact the agreement achieved between the Governments of Canada and British Columbia and the First Nations Education Steering Committee, also known as FNEC. By passing this legislation, we demonstrate our support for the steering committee and its collaborative approach to improving the quality of on-reserve education in British Columbia.

The remarkable effectiveness of the committee's approach illustrates the power of partnership. Quality education is the product of partnerships among the children and parents, students and teachers, communities and schools, educational organizations and governments. The steering committee helps to create and maintain strong partnerships in each of these areas so that First Nations students can learn effectively.

The committee is itself a partnership. It is composed of representatives of British Columbia First Nations who share a passion for education. These men and women recognize the strong link that exists between the quality of education young people receive and the standard of living they experience as adults. It grew out of the fact that First Nations schools in the province of British Columbia were relatively ill-equipped to deliver a high-quality education and that students struggled academically.

Some 14 years ago — it has been going on for 14 years, so it is not something that came out of the chute yesterday morning — the steering committee set out to change these realities. At the time, most First Nations schools in the province, particularly those located in remote areas, operated with little outside support. In essence, bands received money from the Government of Canada to teach students but could access none of the basic support systems available to public schools. There were no ministry of education or school boards to help develop curricula,

recruit teachers and certify schools. Since funding is granted on a per student basis, many smaller schools did not have money to hire principals and administrators or retain good teachers. Good teachers, believe me, is one of the big problems that plague this particular area of concern.

Honourable senators, we have travelled and we have heard. We know now what they are saying. We do not know firsthand because we have not lived it firsthand.

Recognizing that these factors hampered the ability of First Nations to deliver a high-quality education, the steering committee launched a methodical campaign to address each one. The campaign's principal strategy involved engaging as many people as possible in First Nations education. This remarkably successful strategy has inspired a steady rise in the high school graduation rates of First Nations students and a lengthening list of partnerships.

Today, virtually every group involved in education in British Columbia is an ardent and active supporter of the committee. The list includes the B.C. Teachers' Federation, as well as the professional associations that represent the province's principals, vice-principals, superintendents and trustees. Other partners include the B.C. Ministry of Education, the College of Teachers and the Confederation of Parent Advisory Councils. All these organizations appreciate the importance of improving the academic performance of First Nations students in the province and each partner contributes to the collective effort in its own particular way.

The B.C. College of Teachers, for instance, has helped develop a certification framework for teachers of First Nations languages and cultures. The college has long collaborated on the initiatives to increase the number of Aboriginal teachers in the province.

The Confederation of Parent Advisory Councils helps encourage parents to get involved in their children's education, a significant challenge because many First Nations parents suffered abuse at residential schools. Today, some of these men and women have little use for formal schooling.

To overcome this challenge, the steering committee established a special club for parents, and today the club boasts more than 120 local chapters and nearly 3,000 members. The club uses a series of tools, such as promotional calendars, books and newsletters to encourage First Nations parents to get involved in their children's education. Through the club, parents can learn how to help with their children's homework, how to interpret a report card, and what questions to ask during parent-teacher interviews. Thanks to initiatives such as Parents Club, an average of 70 per cent of all parents attend parent-teacher interviews at First Nations schools.

Honourable senators, another statistic that illustrates the success of the committee's partnership strategy is the climbing graduation rate between 1999 and 2004. The high school graduation rate among First Nations students grew from 39 per cent to 48 per cent — a significant growth, but still not acceptable.

The steering committee's partnerships have also helped address key barriers to high-quality education, such as access to and the sharing of student data. Until recently, British Columbia's Ministry of Education collected data only on students enrolled

in public schools. The information collected by Indian and Northern Affairs Canada on students of First Nations schools was different in both content and format. As a result, school officials had no way to track progress made by students moving between systems, a common event particularly in small First Nations communities. This meant it was nearly impossible to compare how well a student performed when he or she moved between two systems. In collaboration with B.C.'s Ministry of Education, a data-linking project is now underway that will facilitate that tracking. The project will enable teachers and administrators to design and implement effective strategies to meet the particular difficulties students experience as they move between school systems.

Another of the committee's significant accomplishments is the implementation of the First Nations SchoolNet program. It coordinated the delivery of this program, maximizing the funding by buying computer hardware in bulk. Last year, the committee installed some 95 computers, nine video-conferencing labs and six satellite connections in schools across the province. To ensure that teachers and students can make the most of this technology, it also oversees software support, services and training.

While the valuable contribution of its educational partners must not be diminished, the steering committee also enjoys the support of several, high-profile, private sector companies. These partnerships focus on specific initiatives, such as the Seventh Generation Club, which encourages children to stay in school by organizing a variety of contests and festival days devoted to science, heritage and sports. Seventh Generation also publishes a newsletter, maintains a website and offers attendance prizes and promotional give-aways. Today, approximately 9,000 First Nations students are keen members of the club.

Club sponsors include B.C. Hydro, the Vancouver Canucks and Historica, along with two federal departments. This year, B.C. Hydro provided nearly \$4,000 worth of bursaries, while the Vancouver Canucks donated several thousand dollars worth of promotional merchandise and hockey tickets. The Canucks also contribute a regular column to the club's newsletter and organize player appearances at club events. Thanks to this support, the Seventh Generation Club is able to achieve its goal of encouraging children to stay in school.

The name of the club derives from a traditional Aboriginal belief that decisions made today affect the following seven generations and must strive to honour the previous seven generations as well. I am convinced that this enlightened philosophy also inspires the steering committee's partnership strategy.

Honourable senators, the committee is determined to reinvigorate the proud learning traditions of First Nations in British Columbia and to inspire new and enduring respect for the value of education. The organization's strategic partnerships enable it to wrest maximum value from the investments of taxpayers and sponsors. There is no question that it has had a positive and lasting impact on the quality of education delivered in the province's First Nations schools.

Supporting this legislation celebrates the remarkable accomplishments of the steering committee and will lead to the establishment of additional partnerships that will further improve the quality of on-reserve education in British Columbia.

Honourable senators, I have met with representatives from the Aboriginal community in British Columbia on this subject. I do not profess to be an expert in any way, shape or form on education. However, I have met with them, and I do not think we can afford to ignore their sincerity and long journey to get to this point.

Honourable senators, let me tell you a story about the Tlicho, the Dogrib bands in the Northwest Territories. These are people who took control of their own destiny on education. Education in the remote areas was terrible. They established a higher learning centre in a community just outside of Yellowknife. They went from virtually no one in post-secondary education to over 100, simply because they did what the British Columbia First Nations people want to do; they took control of their own destiny.

• (1840)

Certainly, government support is required for this initiative. If government is not prepared to fund it, it will go nowhere. However, I am convinced that it will. We would not have gone through this process if they were not prepared.

I do not think there is a template; one size does not fit all. The needs are vastly different on the East Coast, the West Coast and in the centre.

It is important that this bill be passed quickly because too many generations have already come and gone. When the Senate dealt with Tlicho, we passed the legislation immediately because these people have been deprived of control of their own destiny for far too long. They have been controlled by a government department, and both Conservative governments and Liberal governments have failed to meet their requirements. It will take 28 years for these people to catch up, even if we do everything right. Therefore, we cannot afford to delay this initiative for one moment. The future of our First Nations youth is at stake.

Honourable senators, I would like this bill to go to committee as soon as possible. If, in the wisdom of the leadership on both sides, it is sent to the Standing Senate Committee on Aboriginal Peoples, I would be proud, as Chair of that committee, to commence hearings on it immediately in order that, without further ado, the Senate can pass this bill.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator St. Germain, bill referred to the Standing Senate Committee on Aboriginal Peoples.

[Translation]

INFORMATION COMMISSIONER

MOTION TO RECEIVE APPOINTEE ROBERT MARLEAU IN COMMITTEE OF THE WHOLE ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 7, 2006, moved:

That the Senate do resolve itself into a Committee of the Whole on Tuesday, December 12, 2006, at 8 p.m., in order to receive Mr. Robert Marleau respecting his appointment as Information Commissioner;

That television cameras be authorized in the Senate Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings; and

That photographers be authorized in the Senate Chamber to photograph the witness before the commencement of the testimony, with the least possible disruption of the proceedings.

[English]

Hon. Eymard Corbin: The motion requests authorization for the presence of photographers. Is that for the duration of the committee hearing, or just at the beginning?

Senator Comeau: It will only be at the beginning.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

HERITAGE LIGHTHOUSE PROTECTION BILL

REPORT OF COMMITTEE

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Bill Rompkey, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Monday, December 11, 2006

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

FIFTH REPORT

Your Committee, to which was referred Bill S-220, An Act to protect heritage lighthouses, has, in obedience to the Order of Reference of Tuesday, November 28, 2006, examined the said Bill and now reports the same with the following amendments:

1. Clause 2:

(a) Page 1:

(i) Add after line 22 the following:

““advisory committee” means the advisory committee established by the Minister under section 9.1.”,

- (ii) Add after line 25 the following:

““established criteria” means the criteria established by the Minister under paragraph 18(a).”, and

- (iii) Delete lines 26 to 29; and

(b) Page 2:

- (i) Replace line 3 and 4 with the following:

“this Act, and includes any related built structure that is included in the designation.”,

- (ii) Replace line 10 with the following:

“use as an aid to navigation.”,

- (iii) Replace lines 11 to 14 with the following:

““Minister” means the Minister responsible for the Parks Canada Agency.”,

- (iv) Delete line 15, and

- (v) Replace lines 16 to 19 with the following:

““related built structure”, in relation to a lighthouse, means any built structure on the site on which the lighthouse is situated that contributes to the heritage character of the lighthouse.”.

2. *Clause 4, page 2:* Replace lines 28 to 30 with the following:

“4. This Act applies to lighthouses that are the property of Her Majesty in right of Canada.”.

3. *Clause 6, page 2:*

- (a) Replace lines 33 and 34 with the following:

“6. (1) The Minister may, at any time, taking into account the established criteria.”; and

- (b) Replace line 38 with the following:

“include any related built structure that the Minister considers should be included in the designation, taking into account the established criteria.”.

4. *Delete clause 7, page 3.*

5. *Clause 8, page 3:*

- (a) Replace line 24 with the following:

“into account the established criteria.”;

- (b) Replace line 26 with the following:

“which the Minister receives a petition; and”; and

- (c) Replace lines 29 to 35 with the following:

“whether any related built structures should be included in the designations, and make the appropriate designations.”.

6. *Clause 9, page 3:* Replace line 43 with the following:

“it has been desig-”.

7. *New clause 9.1, page 3:* Add after line 44 the following:

“9.1 The Minister must establish an advisory committee to advise and assist the Minister on matters relating to heritage lighthouses, including the designation and protection of heritage lighthouses and the establishment of criteria for their designation, alteration and maintenance.”.

8. *Clause 10:*

- (a) *Page 3:* Replace lines 45 to 51 with the following:

“10. The Minister must consult with the advisory committee, and may consult with any other persons or bodies that the Minister considers appropriate, before determining whether a lighthouse should be designated as a heritage lighthouse and whether any related built structure should be included in the designation.”; and

- (b) *Page 4:* Delete lines 1 to 13.

9. *Clause 11, page 4:*

- (a) Replace lines 14 to 18 with the following:

“11. (1) A heritage lighthouse, or any part of it, may only be altered in accordance with the criteria and procedures established under paragraph 18(b).”; and

- (b) Replace lines 24 to 29 with the following:

“does not affect the heritage character of the heritage lighthouse.”.

10. *Clause 12, page 4:* Replace lines 30 to 41 with the following:

“12. (1) A heritage lighthouse, or any part of it, may only be transferred to Her Majesty in right of a province or sold if a notice is published at least 90 days before the transfer or sale in one or more newspapers of general circulation in the area in which the lighthouse is situated.

(2) A heritage lighthouse, or any part of it, may only be sold if a public meeting is held on the matter in the area in which the lighthouse is situated, unless the sale is to a municipality.

(3) Any transaction effecting a transfer to Her Majesty in right of a province or a sale shall provide for the protection of the heritage character of the

heritage lighthouse by any means that the Minister may authorize.”.

11. *Clause 13:*

(a) *Page 4:* Replace lines 42 to 45 with the following:

“13. (1) A heritage lighthouse, or any part of it, may only be demolished if there is no reasonable alternative and if a notice is published at least 90 days before the demolition in one or more newspapers of general circulation in the area in which the lighthouse is situated.”; and

(b) *Page 5:* Replace lines 1 to 14 with the following:

“(2) Subsection (1) does not apply in respect of the demolition of a heritage lighthouse in response to any emergency situation or an urgent operational requirement.”.

12. *Delete clause 14, page 5.*

13. *Delete clause 15, pages 5 and 6.*

14. *Delete clause 16, page 6.*

15. *Clause 17, page 6:* Replace lines 25 to 27 with the following:

“maintain it in accordance with the criteria established under paragraph 18(c).”.

16. *Clause 18:*

(a) *Page 6:*

(i) Replace lines 28 to 30 with the following:

“18. The Minister must

(a) establish criteria to be taken into”, and

(ii) Replace lines 33 to 46 with the following:

“lighthouse and whether any related built structure should be included in the designation;

(b) establish criteria and procedures respecting the alteration of heritage lighthouses that are in keeping with national and international standards for the conservation of heritage properties;

(c) establish criteria for the maintenance of heritage lighthouses that are in keeping with national and international standards for the conservation of heritage properties; and

(d) include in the criteria and procedures established under paragraph (b) requirements that all interested persons be given a reasonable opportunity to make representations concerning any proposed

alteration of a heritage lighthouse or any part of it, and that a public meeting be held concerning the proposed alteration.”; and

(b) *Page 7:* Delete lines 1 and 2.

Respectfully submitted,

WILLIAM ROMPKEY, P.C.
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Rompkey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Human Rights (budget—study on Canada’s international and national human rights obligations—power to travel), presented in the Senate on December 7, 2006.—(*Honourable Senator Carstairs, P.C.*)

Hon. Sharon Carstairs moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Committee on Internal Economy, Budgets and Administration (*committee budget—legislation*), presented in the Senate on December 7, 2006.—(*Honourable Senator Furey*)

Hon. George J. Furey moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE ON MOTION TO AMEND—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser, for the adoption of the second report of the Special Senate Committee on Senate Reform (*motion to amend the Constitution of Canada (western regional representation in the Senate)*), without amendment but with observations), presented in the Senate on October 26, 2006.
—(Honourable Senator Tkachuk)

Hon. Elizabeth Hubley: Honourable senators, we should always have good reasons for changing the structure or workings of our political institutions. As I said during debate on Bill S-4, parliamentary reform should never be approached in a piecemeal manner without knowing beforehand the overall shape and substance of the newly reformed institutions. We need a plan; we need to know where we are going.

This is not to suggest that necessary democratic or political reform should be avoided as a country develops and grows and further defines itself, or that we should not attempt to correct old wrongs.

• (1850)

The Meech Lake and Charlottetown accords at their core were attempts to reconcile the cultural and linguistic aspirations of Quebec with the rest of Canada and to provide central recognition to our Aboriginal peoples. Both of these lofty, ambitious attempts to reform Canada's Constitution failed, and academics and pundits are still debating the reasons for this failure.

In the past weeks, we have experienced more political shifting along the Quebec-Canada fault line, with passage of the government's motion to recognize the Québécois people as a nation within a united Canada. This is a symbolic recognition, of course.

Honourable senators, our colleagues, Senator Murray and Senator Austin, have introduced a motion seeking a constitutional change to accord additional representation in the Senate for Western Canada. However, once again, this is a piecemeal initiative that poses more fundamental questions.

What is the role and function of an upper house in our 21st century bicameral Parliament? What and who should senators represent? Is it possible to change the character, authority and function of the Senate without also reforming the elected House of Commons?

These basic questions need to be addressed, honourable senators, before the regional balance of representation is altered.

My particular vantage point, of course, is that of a Prince Edward Islander. There always is more at stake for our province in discussions around the Constitution than for other provinces. We have a unique position within Canadian Confederation, not

only as the birthplace of the idea of the federal union itself, but also as the smallest "full and equal partner" in that federation.

This status of full and equal partner has always been difficult for other Canadians to accept. How does a province with a population of a small Ontario city possibly make such a claim?

Historically, Prince Edward Island has struggled to make its voice heard around the federal-provincial table and more laboriously, with federal bureaucrats for whom size and population amounts to authority and respect. Provincial civil servants in search of federal program spending know the frustration of being told, "You do not have the numbers."

Prince Edward Islanders have never viewed themselves as the Lilliputians of Confederation. We have always stood proudly, demanded our fair share and given back to the nation disproportionately.

In my early remarks on Bill S-4, I spoke about covenants and agreements. When Prince Edward Island finally joined Confederation in 1873 at the urging of a new Dominion concerned with an expansionist United States and anxious to knit together and further consolidate its own interests, the newest province was given four Senate seats, reallocated from those previously given to neighbouring Nova Scotia and New Brunswick in 1867. This was one of our so-called "terms of entry."

In 1873, the Maritime region was at the zenith of its economic prosperity. Ontario and Quebec were growing with the influx of new settlers, and the West remained a vast and largely unsettled territory whose potential was yet to be realized. However, soon after Confederation and with the introduction of Prime Minister Macdonald's protectionist national policy, trade lines shifted and the Maritimes began to look inward toward the continent and a new centrally located economy.

My purpose, honourable senators, is not to look back romantically at a time of earlier greatness, but rather to point out that the constitutional arrangements that defined a new Canada in 1867 reflected the linguist, cultural and regional realities of the time. These founding arrangements were not an accident but a constitutional bargain to accommodate and balance the expectation of the partners in the federation, both large and small.

Our Island's motto — *Parva Sub Igenti*, "the small under the protection of the great" — is taken from Virgil's *Georgics*. It was adopted in 1769, yet it can face undoubtedly the expectations of Premier James Pope and his pro-Confederate colleagues in 1873, that Prince Edward Island, though diminutive in geographical size and population, would nevertheless be protected and respected within the new Dominion of Canada.

The Senate, or upper house, was established in part to protect the small and to ensure a degree of equality and inclusiveness against the grain of population. That is right, honourable senators, against the grain of population.

Prince Edward Island was originally accorded six seats in the House of Commons. However, with decreased population, the number of seats fell to four. By 1911, it was in jeopardy of being reduced further. Fortunately, then Island premier, John Matheson, was successful in negotiating with the federal

government a constitutional provision that now guarantees Prince Edward Island no fewer elected members of Parliament than senators.

What and who should senators represent? I believe strongly that representation in the Senate, unlike the elected House of Commons, should not be driven by population at all, for it is the promise of the Senate to provide an effective voice for a diversity of regional and other interests. It is the promise of the Senate to represent fairly the interests of women, racial and linguistic minorities and our Aboriginal peoples. It is the promise of the Senate to ensure that the great Canadian North has a strong voice in Parliament. It is the promise of the Senate to ensure that our coastal and rural communities are understood and appreciated and afforded opportunities to prosper and develop.

Honourable senators, it is not possible to achieve this inclusiveness through representation by population alone. It never was. Majority rule is a noble but limiting concept. We need other principles at work in our democracy; otherwise, it is my firm belief that Canada's full diversity will not be represented, nor its potential greatness realized.

A former Conservative Premier of Prince Edward Island, the late Honourable J. Angus MacLean, believed that in a democracy, more than people need to be represented. For this distinguished politician and war veteran, the land itself deserved to have a voice.

This is a radical notion, I know, but in a country as territorially vast as ours, in which the population is increasingly grouped in larger urban units, Mr. MacLean's approach to representation has growing relevance.

Senators Murray and Austin have proposed that British Columbia be designated a region and both Alberta and British Columbia be given additional Senate seats while not increasing the total number. This means that Prince Edward Island's representation in the upper house would be diluted and degraded, as would that of its neighbouring Atlantic provinces.

I cannot support the motion of Senators Murray and Austin for this reason. To distribute representation in the Senate based on population change, rewarding those provinces and regions having the greatest strength in numbers and economic wealth, will not lead to better governance. On the contrary, I believe it would diminish who we are as a country.

We have been told the government will introduce legislation soon outlining a process for electing senators. It is clear that such a fundamental change in the character and role of the Senate would also require amending the Constitution.

Honourable senators, a second elected chamber with representation driven by population mirroring the House of Commons in fundamental ways would be a step backwards for this country, in my opinion. It would never ensure the inclusiveness or the kind of broad representation I have been speaking about.

We do not need an elected Senate that mirrors the House of Commons in character and function, and we do not need a Senate dominated by the larger more economically powerful

provinces. Our objective, I believe, should be to further enhance the existing character of the Senate as a unique constituent assembly, where the voices of all regions, all racial and cultural groups, can be heard; a Canada chamber whose authority is derived neither from the population numbers nor partisan allegiance, but from the scope and fullness of its representation. It could be argued that our existing Senate already performs this role in an effective and distinguished manner.

• (1900)

However, I am not in favour of the status quo. We need to preserve the essential character of the institution and improve it, giving it more legitimacy in the eyes of Canadians, and making the Senate more inclusive and representative.

Somewhat surprisingly, there have been few recent comparative studies in this area. We have not looked at other bicameral parliaments and upper houses around the world. Perhaps this is where we should begin. If we are serious about reforming the Senate of Canada, then we should take a more comprehensive look. If we want to re-engineer our Senate for the 21st century, perhaps we should be willing to take the necessary political risks. That would be a responsible and democratic thing to do.

In conclusion, let me say that, notwithstanding my opposition to the Murray-Austin motion, as an Atlantic Canadian I have a great deal of empathy for the alienation and frustration that many Western Canadians feel on the other side of a vast country that has been controlled by the centre for the last century or more. I commend my honourable colleagues for introducing their motion.

However, as expressed by several presenters who came before the committee, we need to have a destination before we begin the journey. Just as important, we need a road map to get there, instead of one-off, piecemeal initiatives that raise more questions than they answer.

Hon. Tommy Banks: Would the honourable senator entertain a question?

Senator Hubley: Yes.

Senator Banks: The honourable senator talks about the dilution of representation that, if my arithmetic is correct, would move the representation of senators in this place from 3.8 per cent to 3.4 per cent, which is not, in my opinion, terribly significant.

However, my question is: Since the honourable senator referred to the 1873 arrangement where Senate seats were transferred from Nova Scotia and New Brunswick to Prince Edward Island, I take it that the honourable senator has no objection in principle to changing the proportion of representation in the Senate?

Senator Hubley: I thank my honourable colleague for mentioning that point. In 1873, we were dealing with a much different Canada. In 2006 and thereafter, I would like to see us accept the challenge of reforming our Senate, and several ways of reforming have been put forward in presentations. However, I do not want us to make changes in the Senate without a total picture of how changes will affect the representation of smaller communities and areas such as my own province.

Hon. Jack Austin: The honourable senator referred to the need for better representation of coastal and rural communities. Can she conceive that, in British Columbia, half our population is in urban communities? Every senator on either side represents an urban community. With only six senators for British Columbia, it is very difficult for our coastal and rural communities to find appropriate representation. That is the major reason that we seek to move from six to 12 seats. Does the honourable senator have some sympathy for that concern?

Senator Hubley: I thank the honourable senator for his question. I certainly do have great sympathy for your concern. I also have sympathy for the communities on our vast northern coastline, which are also perhaps under-represented within the Senate, given the importance of the North and the attention that will be directed towards that area in relation to the issue of climate change. Perhaps we could better understand many of those issues if indeed we had a representation from coastal communities, per se, and certainly British Columbia would be part of that.

Senator Austin: Senator Hubley, I understand your point is that no issue of concern should be addressed until we can address ourselves to the fundamental purpose for which the Senate exists. Is that correct?

Senator Hubley: I would reflect on a lot of our institutions. Yes, as a Senate of Canada, we should be very cognizant of the importance of institutions that have developed through history, that support our way of government and our people. A change in the Senate should be something that is ongoing. However, there is more study that needs to be done. I would not like to see a change in representation until we take a good look at some of the groups here represented, such as women, Aboriginals, and the disabled, as Senator Oliver mentioned in his statement this evening.

The Hon. the Speaker: The honourable senator's time has expired. However, as is our practice, if the honourable senator were to seek another five minutes, she would probably receive consent for that.

Senator Hubley: I would so request.

Hon. Francis William Mahovlich: Honourable senators, I would like to address a question to the honourable senator. It is this: Have any studies been done in relation to representation in Northern Quebec or Northern Ontario? They are not coastal communities as such. However, I am talking about a vast land, and not many people have mentioned these areas. For example, we only have one senator for all of Northern Ontario, and that is a vast area.

Senator Mercer: That is you, Senator Mahovlich.

Senator Tkachuk: That is you.

Senator Mercer: You have big shoulders.

Senator Mahovlich: No, honourable senators, it is Senator Poulin, who is from Sudbury. She is the only one representing the whole of Northern Ontario. Therefore I suggest that when we do

our study, we should look at Northern Quebec and Northern Ontario, and consider increasing the number of senators who represent those areas.

Senator Hubley: Senator Mahovlich has pointed out something that is very important in this day and age and that is, as has been mentioned, that there are regions of the country that are very important to our Canadian economy but that are not represented within the Senate to the degree of the representation that exists for other areas. I would like representation within the Senate to reflect more than just populations. Indeed, in the Maritimes, we regard Newfoundland and Labrador as being very distinctive. Yet, if their representation were based on population, they would not have representation in the Senate. I agree with Senator Mahovlich that that is important.

Hon. Daniel Hays (Leader of the Opposition): I wish to congratulate Senator Hubley on a well-crafted speech. I agree with all of the sentiments expressed.

The honourable senator said that the 1873 arrangement was a reasonable way to balance the expectations of the regions and the provinces at the time. However, the main thesis of her speech was that nothing should be done unless the end result is the implementation of the Murray-Austin motion.

• (1910)

I would be interested in a further comment as to how my honourable friend would respond if she were in Senator Austin's position. While population is not the basis of this chamber — I think there are something like 700,000 plus British Columbians for every senator — it is a difficult thing for those in British Columbia and in my province of Alberta, for that matter, to explain what the reasonable expectations of their region and province should be.

I am interested in an elaboration on how we deal with that number as it becomes more and more dramatic over time. While it is not the basis of the Senate, it is at least somewhat relevant in terms of what it is we in the West answer to our constituents for.

Senator Hubley: Honourable senators, in my closing remarks I stated that I had great sympathy for our Western provinces. I do not disagree with the fact that they are looking for more representation within the Senate. My main point was that in order to make an increase in one part of the country there is, by the very act of doing that, perhaps a diminishing representation in another. There is an altering of the status quo.

Should that be done? I think it should be done. I think we should take a good look at the Senate. The other place does have representation by population, and therefore B.C.'s ability to elect members to the House of Commons will be much greater than Prince Edward Island's will ever be. It does highlight the fact that we seem to be open to looking at the Senate with a new vision to take it into the 21st century. That is laudable. That is an important function for us as a Senate to do and I would like to see it done.

I would only say that if I were in the shoes of Senators Austin and Murray, I would like to do the same thing. Very likely they deserve these seats, but not within the way the Senate is set up at the present time.

MOTION IN AMENDMENT

Hon. David Tkachuk: Honourable senators, I would like to propose an amendment to the second report of the Special Senate Committee on Senate Reform.

As I have mentioned in this chamber before, when we were debating this report, I believe that British Columbia is a region. It has been recognized as such by the previous government. It should have the same number of senators as any other region, which is 24. Therefore, I move:

That the second report of the Special Senate Committee on Senate Reform be not now adopted but that the motion to amend the Constitution of Canada (western regional representation in the Senate) be amended as follows:

(a) by replacing, in the third paragraph of the motion, the words "British Columbia be made a separate division represented by 12 Senators;" with the following:

"British Columbia be made a separate division represented by 24 Senators;"

(b) by replacing, in clause 1 of the Schedule to the motion, in section 21, the words "consist of One hundred and seventeen Members" with the following:

"consist of One hundred and twenty-nine Members";

(c) by replacing, in clause 1 of the Schedule to the motion, in section 22, the words "British Columbia by Twelve Senators;" with the following:

"British Columbia by Twenty-four Senators;"

(d) by striking out, in clause 2 of the Schedule to the motion, in section 27, the words "or, in the case of British Columbia, Twelve Senators,"; and

(e) by replacing, in clause 2 of the Schedule to the motion, in section 28, the words "exceed One hundred and twenty-seven." with the following:

"exceed One hundred and thirty-nine."

The Hon. the Speaker: Is there debate on the motion in amendment, honourable senators?

On motion of Senator Murray, debate adjourned.

EMERGENCY MANAGEMENT BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-12, to provide for emergency management and to amend and repeal certain acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey: Honourable senators, I want to make a few remarks on this inquiry. I also wish to thank Senator Fairbairn for bringing it forward. I should like to talk about my home province, the rate of literacy and the rate of illiteracy.

Not all of us are illiterate. Rick Mercer is not illiterate; Rick Hillier is not illiterate; Rex Murphy is not illiterate; Seamus O'Regan is not illiterate; neither is Wayne Johnston nor Lisa Moore, and neither is George Baker. George Baker is erudite all of the time and a great orator — one of the best orators that we have produced.

I remember when we were in opposition in the late 1980s. We would go into opposition from time to time, as honourable senators will know, and we would practice our opposition skills. George Baker was practicing his opposition skills when John Crosbie was Minister of Fisheries. I always wondered about that because it was the highlight of the day. As a matter of fact, the Speaker of the House of Commons at one time thought that he would charge an admission when George Baker was asking John Crosbie a question.

When I was in Newfoundland recently, I asked John Crosbie about that, and he said that from time to time he would get a call from George Baker saying, "John, I am thinking of asking this question in Question Period today and you, John, may want to think about giving this answer..."

Senator LeBreton: They rehearsed it in advance!

Senator Rompkey: That is now recorded.

However, they made their point, they made it with humour and they made it eloquently. The point was made very well. People knew what the point was and they got the message.

There is a degree of literacy but there is also a degree of illiteracy, and the polls show us that we perhaps — depending on which poll one reads — have a great degree of "illiteracy" in the province. Residents of Newfoundland and Labrador had average scores significantly below the national average.

• (1920)

If honourable senators look at the graph, they will see that the rate rises as one travels across the country. It used to be the case years ago, and I suspect it is the case now, that as you travel from British Columbia to Newfoundland and Labrador, you will see the rate of illiteracy rise because it has a lot to do not with ability, intention or demand but with money. We are talking about the province which has the highest rate of taxation per capita and the highest unemployment rate and where, in the provincial budget, the Government of Newfoundland and Labrador now is spending something like 40 per cent of its budget on education.

This cut in literacy from the federal government causes a great deal of concern because literacy is an investment. Literacy really is education. It should be a right in this country, equal to health. You should have a right to health in Canada, and you should have a right to education in Canada. The Greeks believed in a sound mind and a sound body. That is what we should be aiming at for all Canadians. I am not talking about the school system because all education does not take place in the school system. Mr. Baird seems to think that. When he talks about adult literacy, Mr. Baird says that it is just "repair work after the fact." That is very simplistic view from a man who, perhaps, has not experienced the regions of the country.

Senator Sibbeston said the other day and Senator Watt will know that in certain regions of the country, we have a particular problem with education. People have a language problem. English is not the first language for many people. If you watched Mark Kelley on *The National* the other night in Prince Rupert, you would have seen the problems that some students have with fetal alcohol syndrome and other problems. Those difficulties require special attention. It is not just "repair" of the system.

We have people who have gone through the system and somehow have fallen between the cracks through no fault of their own. We should give them that opportunity because education is an investment. If you have an educated workforce, with people who know how to read and write and labour leaders and tradesmen who can read their books and their instructions, and people who can read signs, you have people who can reach their economic potential. That is what we should be aiming for: reaching the economic potential of people.

There was a cut in federal funds. The rationale that we have been given is that will not change much and money is still available. How do you apply for that money? Who applies for that money? The reality is that although money is there, there is gas for the tank but the engine is flawed. The carburetor is not working. The vehicle's engine is not working properly because the vehicles that were in place to help the networks that were in place are impacted and are no longer there for use.

We have learned that the collaboration among literacy organizations and other non-literacy frontline agencies are critical for the initial literacy experiences of many adults. That is the problem. The problem is that many of these networks are now no longer functional or able to help the partners.

The literacy community in Newfoundland and Labrador has developed the approach of establishing partnerships between literacy groups and other frontline organizations. They refer people to the appropriate learning opportunities. With funding

and encouragement from the federal National Literacy Secretariat, a literacy network ad hoc group was established in the Province of Newfoundland and Labrador. Its members included individuals from across the Newfoundland and Labrador literacy community, such as the former Literacy Development Council; the Laubach Literacy Council; the Labrador Literacy Information and Action Network; Teachers on Wheels; Partners in Learning; the Sheshatshiu Innu First Nation; the Newfoundland and Labrador Association for Adult Education; and, Memorial University.

They went across the province holding informal consultations, face-to-face forums, brown bag lunches, provincial teleconferences, online discussions and, finally, a provincial literacy conference. The purpose was to identify, at a grassroots level, with the people on the front lines on this issue what would best advance literacy in this province.

The coalition was formed, but the difficulty is that it now faces the prospect that it will never get off the ground because it was depending on that federal money to fund the network.

That is the difficulty that we have. I want to put on the record some quotations from people in my area because I want them to speak for themselves. I want to put them on the record so that senators will understand the difficulty that people are experiencing in the rural areas of Newfoundland and Labrador.

Janet Skinner is the Executive Director of the Labrador Literacy Information and Action Network, a central organization for literacy programming in Labrador. She has commented on the potential impact of these cuts on Labrador as follows:

Partners in Learning is the community-based literacy organization serving the Straits ...

That is the Strait of Belle Isle between Newfoundland and Labrador.

— the Battle Harbour Literacy Council, Labrador White Bear Literacy Council, Eagle River Literacy Council ...

There is a series of them, including the Sheshatshiu Innu Band Council. These Aboriginal family centres and others are now not possible. Ms. Skinner continues:

This is particularly frustrating since these collaborative initiatives develop the capacity of organizations to assist those who come to them for other reasons ...

In other words, it is a network; they help each other; it is a collaborative effort. The individual projects in the community get help from the network and from the organization to put their projects together and to apply for them. As Ms. Skinner says:

These are often people for whom the school system is not the answer.

From Barbara Marshall, Partners in Learning of the Labrador Straits:

Partners in Learning operates *community* literacy programs that begin from the premise that literacy practices are embedded in our lives as workers, parents

and community members. In their community of the Labrador Straits, they have succeeded in engaging 80 per cent of residents to use the learning centre for their learning needs. ... They have also succeeded in engaging community partners... This experience has since been replicated and demonstrated across the country and internationally.

Her comments on the potential impact of the announced cuts are as follows:

The impact in our area as a result of these cuts will be the elimination of Partners in Learning as a leader in the Labrador Straits for community-based learning. It will see the closing of the community learning centre in West St. Modeste; the elimination of adult tutoring services; the elimination of coordination and facilitation of the Roots of Empathy Program, the PRINTS Program; the elimination of key learning initiatives developed with social and economic development groups; elimination of advocacy and support for adults; and the elimination of community and learner input into learning and literacy programs in the region.

From the Port Hope Simpson Learning Centre, I quote as follows:

We are devastated with the federal government cuts to social programs, in particular, literacy! Our community-based organization will have to close its doors to our many residents whom we have provided assistance to in the past. Lack of literacy skills affects all aspects of life, health, employment, economic development, just to name a few. What will be the repercussions? Will government be accountable?

The next quotation is from Brenda Nuke, who is Apprentice-Coordinator of the Sheshatshiu Collaborative Workplace Literacy Project. This is a First Nation about 20 miles from Goose Bay in Labrador. She says the following:

Literacy is an especially important issue in my community. It affects both the adults and youth. Many people in my community need help with English as a second language. They need help with their reading and writing. In the workplace, people need extra help to do their jobs well. For example, when I worked with the 'workplace literacy' project, I was able to show a 50-year-old man how to use his e-mail. This meant a lot to him because it gave him a skill and improved his confidence. The same thing happens when you can help a person write a business letter or read a memo; it builds their confidence and self-esteem. That is really important to keep in mind when you consider the amount of hopelessness people feel when they can't do these things. If we lose access to the LLIAN and the types of literacy projects they have helped us to develop, then I fear we will let many people down.

• (1930)

Those, honourable senators, are the impacts of the cancellation of funds from the federal government for literacy.

From Sherry Turner in Happy Valley, Goose Bay:

I was extremely disappointed to hear about the cutbacks in federal funding to community-based literacy programming. While I coordinated the Youth Linkages project, we found the services of the Labrador Literacy Information & Action Network (LLIAN) and their clear career-planning tools very important to our program. We have called on LLIAN every year to assist us in using those clear, graphic tools, and the evaluations from our clients has always been excellent.

I make the point again; the effect of the cuts is to kill the network. There may be gas there, but the vehicle has been impacted. The vehicle will not work and does not run. You can have all the gas you like.

From Louisa Lucy, a teacher in Hopedale:

It is very wrong, not just for the north coast but for the whole province to suffer this loss of literacy services. It is particularly difficult for the north coast communities because we are already disadvantaged when it comes to library services and good Aboriginal language materials.

They seem to say that it did not —

The Hon. the Speaker *pro tempore*: Senator Rompkey, are you asking for more time?

Senator Rompkey: I wish to conclude, if I may.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes.

Senator Rompkey: I want to close by informing honourable senators about what the provincial government has done, in spite of fact that it is already putting 40 per cent of its budget into education: \$1.2 million has been allocated to improve access to adult learning and literacy by increasing the number of Adult Basic Education programs offered at the College of the North Atlantic.

A news release from the Government of Newfoundland and Labrador stated:

Government will provide \$230,000 to continue funding previously provided by the federal government for its share of Adult Basic Education Level 1 pilot program. This funding is in addition to the \$300,000 currently allocated to support adult literacy programs. "Funding of Adult Basic Education and literacy initiatives contributes to the social and economic development of our province," said the minister. "The inter-generational benefits of literacy are well established. Higher literacy levels of parents have a positive impact on the achievement of their children."

That is the story, honourable senators, in a province that needs this help. Both Aboriginal and non-Aboriginal people have fallen through the cracks in the system. They want to reach their potential and the government should give them the means, but the funding is no longer there.

Honourable senators, I call upon the government again to review this situation and to give Canadians in all parts of the country the opportunity not just for good health, but for good education.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I could not help but note that Senator Rompkey speaks about automobiles as still having carburetors.

Senator Rompkey: Only you guys in Ontario have the new cars.

Senator LeBreton: We actually have fuel injection in our cars.

Senator Rompkey: If you increase equalization, we could have some new ones, too.

On motion of Senator LeBreton, debate adjourned.

ANTI-TERRORISM ACT

MOTION TO AUTHORIZE SPECIAL COMMITTEE TO EXTEND DATE OF FINAL REPORT AND TO MEET DURING ADJOURNMENT OF THE SENATE— DEBATE ADJOURNED

Hon. Serge Joyal, for Senator Smith, pursuant to notice of December 7, 2006, moved:

That, notwithstanding the Orders of the Senate adopted on Tuesday, May 2, 2006, and on Wednesday, September 27, 2006, the date for the Special Senate Committee on the Anti-terrorism Act to submit its final report be extended from December 22, 2006, to March 31, 2007; and

That the Committee be empowered, in accordance with rule 95(3), to meet on weekdays in January 2007, even though the Senate may then be adjourned for a period exceeding one week.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this motion has not been explained. No explanation has been given as to the rationale behind the requested extension. We need more information so that we can properly contemplate the motion.

Senator Joyal: With pleasure, honourable senators.

The Special Committee on the Anti-terrorism Act sat on many occasions in the last month. The committee has come to the point where it has a final draft in one language and has agreed generally with the substance of that draft. However, there was a consensus in the committee that the draft — the report so far is about 120 pages in length and is very comprehensive — should not only be translated but should be offered in French. In other words, there should be a capacity to edit the French version so it reflects not only the substance of but the quality of a real French version.

To achieve that result, consultations have led us to conclude that we would need at least two or three weeks of work by a qualified translator to come forward with a report that would be of equal quality in both English and French.

That being said, we are under the order of this chamber to report by December 22, which of course will not give us the time to develop the quality French version of the report that we have agreed we should offer Canadians. The substance of this report will, no doubt, be of interest not only to senators but also to a large number of the public, considering the importance of the subject. It is, essentially, a revision of the anti-terrorist legislation adopted by this chamber four years ago, the text of which, we will remember, was developed in a short period of time.

• (1940)

The committee has identified many proposals on how the anti-terrorist legislation should be adapted following the first report of the commission on the Arar inquiry and the decisions of the Canadian courts that have occurred in the meantime.

The members of the committee are aware that the second report of the commission on the Arar inquiry will be released soon. I read an article in the *Ottawa Citizen* today that contained some of the elements of that second report. There is no doubt that the members of the committee will want an opportunity to consider the second report as soon as possible, to reflect upon that report and to decide accordingly about the recommendations that the committee would like to propose to the house. That is one reason that the committee would like to have the authority to sit in January.

Honourable senators, members of the committee are no more diligent than other senators. The committee would sit, if possible, at the end of January, perhaps one week before the Senate resumes, to provide an opportunity to conclude its study and share with the house and with the Canadian public its findings on the anti-terrorist legislation. The committee was mandated to review the anti-terrorist legislation under a statutory obligation of the Senate. The other place met with a similar obligation but I would not want to qualify its report, which is a couple of pages long and addresses only two specific issues, and not the overall complexity of legislation dealing with anti-terrorism. The Senate has taken its responsibility seriously at the committee level and members on both sides have participated thoroughly in that exercise. The motion before the chamber this evening is the result of a consensus reached by members of the committee and reflects the good work achieved by the committee on a consensual basis. I see his Honour the Speaker in the chair, who has taken part in our committee deliberations. Other senators who were not official members participated as well in the work of the committee.

The motion is not a delaying tactic, as I mentioned. The committee has prepared a second draft of 120 pages containing many recommendations. It is essential to ensure that the committee is able to offer senators and the public the quality of work that they deserve.

Senator Comeau: Being aware of December 22, 2006, this will be kept in mind.

I move adjournment of the debate.

The Hon. the Speaker: Senator Andreychuk was about to rise. Would the honourable senator like to hold his adjournment motion?

Hon. Marcel Prud'homme: Senator Andreychuk agreed with Senator Comeau.

Hon. A. Raynell Andreychuk: Honourable senators, I wanted to put a question to Senator Joyal but I can do it by way of contributing to debate after the adjournment.

On motion of Senator Comeau, debate adjourned.

The Senate adjourned until Tuesday, December 12, 2006, at 2 p.m.

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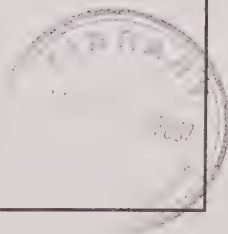
NUMBER 60

OFFICIAL REPORT
(HANSARD)

Tuesday, December 12, 2006

—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, December 12, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

December 12, 2006

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, will proceed to the Senate Chamber today, the 12th day of December, 2006, at 5:15 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Sheila-Marie Cook
*Secretary to the Governor General
and Herald Chancellor*

The Honourable
The Speaker of the Senate
Ottawa

SENATORS' STATEMENTS

PRESIDENT OF IRAN

HOLOCAUST DENIAL CONFERENCE

Hon. Jeremiah S. Grafstein: Honourable senators know that those who ignore history are doomed to repeat it. What would historians say to one national leader who would intentionally seek to revise and rewrite history that we ourselves have witnessed?

Ancient Persia should serve as modern Iran's own history lesson. Ancient Persia was led by autocrats whose evil programs and proclamations have left nothing, not even lines in the sands of time.

This week in Tehran, the President of Iran sponsored an international conference, the sole purpose of which was to deny the Holocaust and revise the miserable history of the 20th century to which all in this chamber were personal witnesses. No doubt history will treat him to the same fate as that of his ancient predecessors.

In 1839, in the small East European village of Zhetel, a prolific interpreter of the ancient texts of the Torah was born. He was called the Chafetz Chaim after the title of his most famous book. That book's subject was the use of civil discourse in civilized society. The title of that book was derived from Psalms 34:13-14:

13 Who is the man that desires life and loves days, that he may see good.

14 Guard your tongue from evil, and your lips from speaking deceit.

The Chafetz Chaim taught that each word counts. Words can kill. I admonish the President of Iran and repeat those ancient words from the Bible: "Guard your tongue from evil, and your lips from speaking deceit."

LIBERAL PARTY OF CANADA CONVENTION

ANTI-SEMITIC COMMENTS

Hon. Yoine Goldstein: Honourable senators, Canada is a tolerant country. Canadians value diversity. Canadians welcome differences. It came, therefore, as a total shock that the Liberal convention of 10 days ago was marred by episodes of racism and vicious anti-Semitism.

Arlene Perly Rae, the wife of a leadership candidate, was approached by a candidate who admonished her not to vote for Mr. Rae because "he has a Jewish wife." When she pointed out that she was that Jewish wife, the delegate disappeared.

A flyer was circulated electronically among convention delegates, denouncing Mr. Rae for having delivered a speech to the Jewish National Fund, a charitable organization, some years ago. Discriminatory language was superimposed over a close-up of Mr. Rae's face on that flyer.

Mr. Khaled Mouammar, President of the Canadian Arab Federation, who has been invited to the Hill in the past, denied having had anything to do with the flyer, but in a news release last Thursday, the federation supported the content of the flyer and, indeed, reproduced some of it. Moreover, the Canadian Press has in hand an email from Mr. Mouammar in which he forwarded that disgusting flyer to others. His denial, therefore, is a brazen lie, just as his racism is brazenly anti-Canadian.

There were other examples of this regrettable attitude. A pro-Palestinian group urged, on its website, that its delegates not vote for Bob Rae because "we are not looking for another Zionist Prime Minister."

Honourable senators, the Canada we know and the Canada with which we identify is a tolerant, accepting, open, free society. We have the good fortune to live in a country that permits the free expression of all shades of opinion. That freedom, however, does not extend to the expression of racist filth. If the Canadian Arab

Federation wishes to be treated or perceived as a responsible organization, it ought to start by ridding itself of its racist, lying president.

Hon. Mobina S. B. Jaffer: Honourable senators, I would like to speak of anti-Semitism in our society. Many of us were greatly distressed by the treatment of Bob Rae and Arlene Perly Rae at the recent Liberal leadership convention in Montreal, where anti-Semitic remarks were made against two very outstanding Canadians.

Honourable senators, I believe that in our Canada these types of remarks are absolutely unacceptable. In our Canada, there is no place for such anti-Semitic statements. I know that all senators will join me in letting the very small minorities know by words and deeds that we do not accept such behaviour.

I am a great fan of the Raes. I have had the opportunity to work with Bob Rae on a number of occasions. He aided me when I was Canada's Envoy for Peace in Sudan. He went to Khartoum and held workshops on federalism. I can attest to the fact that to this day, Sudanese from all walks of life want Bob Rae to return and continue working with them.

Then I saw Bob Rae's work on the Air India inquiry. He single-handedly empowered the victims of Canada's worst act of terrorism, victims from diverse backgrounds.

In the last 10 months, I have worked closely with Arlene Perly Rae and her commitment to our country has been truly tremendous.

Senator Grafstein has a motion before the Senate on anti-Semitism, and when I speak, I will detail some of the challenges faced by my community in Vancouver.

Honourable senators, a time has come when all of us here and all Canadians must make it clear that in our Canada we are like needles that sew together the diversity of our country into one harmonious fabric. We do not accept those who act as scissors that destroy the fabric of our society.

We all remember the wise words of Reverend Martin Niemöller:

First they came for the communists, but I wasn't a communist — so I didn't speak out.

Then they came for Jews, but I wasn't Jewish — so I didn't speak out.

Then they came for Catholics, but I was a Protestant — so I didn't speak out.

Then they came for me, and there was nobody left to speak out.

• (1415)

Honourable senators, I know you will join with me in saying that, in our Canada, we do not accept anti-Semitism, we do not tolerate it and there is no place for it in our country. Honourable senators, we must all speak out against anti-Semitic behaviour.

Hon. Senators: Hear, hear!

MS. LAURA GAINEY

LOST AT SEA

Hon. Francis William Mahovlich: Honourable senators, I rise today to speak about Laura Gainey, daughter of the Montreal Canadiens' General Manager, Bob Gainey. She was one of the crew members of the *Picton Castle*, a square-rigged barque with three 10-storey masts, which she first joined as a trainee in Cape Town, South Africa, last April.

Laura was a passionate, hard-working sailor at heart. She was a well-loved and respected crew member. Tragically, she was swept overboard on Friday, December 8, by a rogue wave during a storm that saw 40-knot winds and seven-meter high swells. Laura's family, friends and both the Canadian and U.S. coast guards have been searching for her since that time. Sadly, as of last night, the Coast Guard has suspended its search, although a member of the crew has stated that the tall ship, the *Picton Castle*, would continue searching for Laura.

I would like to express my deep sadness and sympathy for the Gainey family. I want them to know they will be in our prayers as they wait and hope for news of this brave young girl.

[Translation]

GENOCIDE

Hon. Roméo Antonius Dallaire: Honourable senators, last Friday, 12 years after the genocide, I completed my testimony at the Arusha International Criminal Tribunal for Rwanda, and in doing so, I completed my mission as commander. However, the tribunal still exists, which means that the genocide itself is ongoing. In Darfur, the genocide persists.

Recently, the United Nations Special Adviser on the Prevention of Genocide, Mr. Mendes, came to speak to us. Members of both houses of Parliament participated in the session.

[English]

I would like to remind honourable senators at 4 o'clock in Room 362, East Block, we will hold the first meeting of the All-parliamentary Group for the Prevention of Genocide. This is to inform honourable senators, and to participate in passing on information in which we can, as a country and a leading middle power, go beyond our borders and think about more than our regionalism; to, in fact, consider that our values and what we believe in are also for other people in countries such as the Darfur region in Sudan, where they are being massacred regularly, and countries that are nascent democracies, which are trying the pull themselves out with our help, such as Afghanistan.

I would like to end today by mentioning that 60 years ago a number of war brides came from overseas with the results of the victory dance, of which I was one. My mom and I arrived here 60 years ago today at Pier 21. I would like to thank Via Rail and the Minister of Transport for permitting us to commemorate the day when over 70,000 women and children came to this country as a positive result of that terrible war.

[Translation]

ROUTINE PROCEEDINGS

CANADIAN AIR TRANSPORT SECURITY AUTHORITY

REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the review of the Canadian Air Transport Security Authority Act.

COMMISSION OF INQUIRY INTO ACTIONS OF CANADIAN OFFICIALS IN RELATION TO MAHER ARAR

SECOND REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the second report of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar.

[English]

FIRST NATIONS JURISDICTION OVER EDUCATION IN BRITISH COLUMBIA BILL

REPORT OF COMMITTEE

Hon. Gerry St. Germain, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Tuesday, December 12, 2006

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill C-34, An Act to provide for jurisdiction over education on First Nation lands in British Columbia, has, in obedience to the Order of Reference of Monday, December 11, 2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

GERRY ST. GERMAIN, P.C.
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator St. Germain, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on the Orders of the Day for third reading later this day.

• (1420)

[Translation]

STUDY ON CONCERNS OF FIRST NATIONS RELATING TO SPECIFIC CLAIMS PROCESS

REPORT OF ABORIGINAL PEOPLES COMMITTEE TABLED

Hon. Gerry St. Germain: Honourable senators, I have the honour to table the fifth report of the Standing Senate Committee on Aboriginal Peoples entitled *Negotiation or Confrontation: It's Canada's Choice*, which makes recommendations for improving the effectiveness of the federal Specific Claims process.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator St. Germain, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

STUDY ON ISSUES RELATING TO FISCAL BALANCES AMONG ORDERS OF GOVERNMENT

INTERIM REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the interim report of the Standing Senate Committee on National Finance entitled: *The Horizontal Fiscal Balance: Towards a Principled Approach*.

I move that it be placed on the Orders of the Day for consideration by the Senate.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL FINANCE

BUDGET—STUDY ON ISSUES RELATING TO FISCAL BALANCES AMONG ORDERS OF GOVERNMENT—REPORT OF COMMITTEE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, December 12, 2006

The Standing Senate Committee on National Finance has the honour to present its

EIGHTH REPORT

Your Committee, which was authorized by the Senate on September 27, 2006, to examine and report on issues relating to the vertical and horizontal fiscal balances among the various orders of government in Canada, respectfully requests the approval of funds for fiscal year 2006-2007.

Pursuant to Chapter 3:06, section 2(1)(c), of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 958.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

JUDGES ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, December 12, 2006

The Standing Senate Committee on National Finance has the honour to present its

NINTH REPORT

Your Committee, to which was referred Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts, has, in obedience to the Order of Reference of Monday, December 11, 2006, examined the said Bill and now reports the same without amendment. Your Committee appends to this report certain observations relating to the Bill.

Respectfully submitted,

JOSEPH A. DAY
Chair

Observations to the Ninth Report of the Standing Senate Committee on National Finance

Your Committee is concerned about the practice by the Department of Justice of placing technical amendments in a bill that, in the Committee's opinion, should essentially be a response to the report of the Judicial Compensation and Benefits Commission and, as such, relate only to amendments to the *Judges Act*.

Your Committee heard from an official of the Department of Justice that there are difficulties in addressing technical amendments of the type found in Part 2 of Bill C-17 through the *Miscellaneous Statute Law Amendment Act* process. Your Committee therefore urges the Department of Justice to review its practices in an effort to find a separate process by which these issues can be dealt with. Your Committee looks forward to receiving follow-up from the Department of Justice on this matter.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Nolin, bill placed on the Orders of the Day for third reading later today.

• (1425)

INTERNATIONAL BRIDGES AND TUNNELS BILL

REPORT OF COMMITTEE

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Tuesday, December 12, 2006

The Standing Senate Committee on Transport and Communications has the honour to present its

SIXTH REPORT

Your Committee, to which was referred Bill C-3, *An Act respecting international bridges and tunnels and making a consequential amendment to another Act*, has, in obedience to the Order of Reference of Tuesday, October 24, 2006, examined the said Bill and now reports the same with the following amendments:

1. *Clause 7, page 3:* Replace lines 9 to 11 with the following:

“of government that have jurisdiction over the place of the proposed construction or alteration and with any person who, in the”.

2. *Clause 15, page 7:* Replace, in the French version, lines 35 and 36 with the following:

“gouvernement provincial et la municipalité ayant compétence à l'égard de tout”.

3. *Clause 24, page 11:* Replace line 15 with the following:

“of government that have jurisdiction over the place”.

Your Committee has also made certain observations, which are appended to this report.

Respectfully submitted,

LISE BACON
Chair

Observations to the Sixth Report of the Standing Senate Committee on Transport and Communications

Recognizing that international bridges and tunnels are of national interest, members of your Standing Senate Committee on Transport and Communications support the intent of Bill C-3, *the International Bridges and Tunnels Act*, which is to reinforce the federal government's constitutional jurisdiction and to ensure the smooth flow of people and goods over and through them. Furthermore, your Committee agrees that it is necessary to apply consistent rules and policies to these international crossings, large or small, regardless of who owns or operates them; especially those to ensure the safety and security of the structures. However, despite its decision to support the bill, your Committee would like to address some of the particularly resonant concerns of stakeholders regarding certain provisions of the bill and to state that it hopes that this bill will not impede international crossing projects for which agreements have already been concluded.

Your Committee heard that the provision in this bill that would allow the Minister of Transport to make regulations respecting the types of vehicles that may use an international bridge or tunnel may negatively affect the financial position of existing crossings. In response to questions about this concern, federal officials unequivocally stated that the Minister of Transport would divert traffic only to avoid congestion. To quote one official, “redirecting traffic would only be used where there is a need to allow free movement of goods and people.” Your Committee supports the Minister of Transport's use of this provision to alleviate traffic problems if and when required, but not to interfere otherwise.

Your Committee also heard that the confidentiality of proprietary information that the Minister of Transport may request from international bridge and tunnel owners and operators may not be adequately protected under this bill. During their second appearance before your Committee, however, federal officials assured Senators that the existing federal legislative framework is adequate for protecting the confidentiality of bridge and tunnel owners' information. To quote one official, “*the Privacy Act* contains provisions that very effectively protect the confidential information provided to the government.” The official also noted that

the purpose of section 51 of the *Canada Transportation Act*, which stakeholders gave as an example of the type of explicit protection sought, is actually to permit the Minister of Transport to *divulge* proprietary information, not to protect it. Furthermore, when departmental legal advisors contemplated the particular stakeholder needs under this bill and whether additional protection was needed, they concluded that existing provisions in other Acts were adequate. However, your Committee still questions why the reinforced protection used in the *Canada Transportation Act* was not included in this bill.

On the question of the federal government's potential involvement in future international crossing projects, your Committee heard suggestions that the provisions in the bill that allow the Minister of Transport to recommend to the Governor in Council whether or not to approve a project would lead to a substantial conflict of interest for the Minister. On this point, officials noted that Transport Canada currently does not own or operate a single international bridge or tunnel. The existing federal structures belong to Crown corporations, which are autonomous even if the Minister of Transport is responsible for them. To quote an official, “the Minister has absolutely no authority over the day-to-day activities of these organizations, including those dealing with safety and security.” Therefore, given the autonomous ownership and operational arrangements established for existing federal structures, your Committee is confident that the Minister of Transport will not be in a position of conflict of interest in the future. However, the Minister of Transport should be particularly sensitive to any situation where the federal government is in a situation where there is an appearance of conflict, especially when the interests of a private enterprise are at stake.

Finally, your Committee very seriously considered a stakeholder's allegation that municipalities would not be guaranteed to be heard regarding international crossing projects affecting their community. When questioned on this point, officials explained to your Committee that municipal consultation is obligatory during the environmental assessment process, which would certainly be triggered by a proposal to build a new international crossing, under the *Canadian Environmental Assessment Act*. Therefore, to impose an additional obligation on the Minister of Transport to consult municipalities in this bill would frustrate the bill's intent to streamline processes. While a comprehensive framework for municipal consultation exists in other legislation, it should be noted that the bill was also amended in the other place to make reference to municipal consultation. Your Committee agrees that more emphasis was needed on the importance of consulting with municipalities and addressing their concerns, given that bridge and tunnel projects can have a tremendous impact on the urban planning of local communities.

The Hon. the Speaker: Honourable senators, when will this report be taken into consideration?

[English]

Senator Bacon: Honourable senators, with leave later this day.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Anne C. Cools: Honourable senators, I am not denying consent, but this is the third time today that leave is being requested. Could someone perhaps tell us the reason why? Am I to understand from this that we are adjourning soon and we are trying to speed up the business? That is a perfectly just reason. Could somebody answer? Does anybody know?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I thank the honourable senator for the question. On all three bills, given that we are getting close to Christmas and would like to proceed with some of this business later this day, and given that there is not much on the government orders, we would like to deal with them today if we could.

Senator Cools: To assist in moving things along so that we can spend Christmas with our families, I would be happy to give agreement.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

On motion of Senator Bacon, with leave of the Senate and notwithstanding rule 58(1)(d), report placed on the Orders of the Day for consideration later this day.

• (1430)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Bill Rompkey: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Fisheries and Oceans have power to sit today, Tuesday, December 12, at 7 p.m., even though the Senate may then be sitting, and that the application of rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Hugh Segal: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs and International Trade have power to sit at 6:00 p.m. today, Tuesday, December 12, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF MATTERS RELATING TO AFRICA

Hon. Hugh Segal: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That, notwithstanding the order of the Senate adopted on Thursday, September 28, 2006, the Standing Senate Committee on Foreign Affairs and International Trade, which was authorized to examine and report on issues dealing with the development and security challenges facing Africa; the response of the international community to enhance that continent's development and political stability; Canadian foreign policy as it relates to Africa; and other related matters, be empowered to extend the date of presenting its final report from December 22, 2006 to February 15, 2007; and

That the Committee retain until March 31, 2007 all powers necessary to publicize its findings.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Joyce Fairbairn: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Agriculture and Forestry have power to sit today, Tuesday, December 12, 2006, at 7:00 p.m., even though the Senate may then be sitting, and that the application of rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

• (1435)

[Translation]

YOUNG VOLUNTEERS

PRESENTATION OF PETITION

Hon. Jean Lapointe: Honourable senators, I have the honour of presenting a petition by residents from the four corners of Canada calling on Parliament to enact legislation or take measures that will allow all young Canadians who wish to do so to serve in communities as volunteers at the national or international levels.

A coalition of NGOs interested in having Canadian youth volunteer in Canada and abroad had their members sign a petition and collected 60,000 signatures. This coalition includes Canada World Youth, Development and Peace, Oxfam Canada and Katimavik, among others. These organizations promote the interests of our youth and of youth throughout the world. That is why I am presenting today this petition that contains 3,000 signatures.

[English]

QUESTION PERIOD

FINANCE

BUDGETARY CUTBACKS

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I rise today to put to the Leader of the Government in the Senate a question that is in the same family of questions that we have been asking a great deal about in this chamber recently, namely, the \$1 billion in cuts, and in particular, those cuts as they relate to literacy, the Status of Women offices, the environment and so on.

Earlier today, members of the official opposition held a press conference with respect to a letter received under the Access to Information Act which indicates that the government, in addition to this \$1 billion, has plans for cuts of another \$7.4 billion. The detail is not well known, at least to me at this particular point, but it is the intention of the government, according to this letter, to cut, for instance, \$584.5 million from environmental programs at Natural Resources Canada, and interestingly enough, in the document received, from the EnerGuide for Houses Retrofit Incentive Program, the EnerGuide for Low-Income Households, the Community and Institutional Buildings Program, and so on.

This, as honourable senators know, has not been well received by parliamentarians in opposition and, I think it is fair to say, by Canadians.

Is this, in fact, the plan of the government? When can we expect full details of the planned cuts, if this is, indeed, the plan of the government?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I have no idea what the opposition is talking about. I cannot comment on a press release or a statement that has been put out by them. We are currently working on consulting Canadians as the Minister of Finance prepares for the next budget. The honourable senator can well understand that I will not, and cannot, respond to something that I have heard absolutely nothing about, and I cannot rely on the views of the opposition as being fact.

Senator Hays: If the Leader of the Government in the Senate does not have information, then I understand. However, we on this side do have information, in terms of details set out in a letter of November 27, The Federal Liberal Agency of Canada is the requesting organization. It was Natural Resources Canada which

outlined the program cuts that I mentioned a moment ago, namely, \$584.5 million for NRCan-affected programs and \$6,852.5 billion for other government programs, for a grand total of approximately \$7.5 billion.

While inquiring into this matter, perhaps the Leader of the Government in the Senate could determine whether this is, in fact, the case and if so, whether she could determine what the other \$6.8 billion represents in terms of cuts in other areas. The speculation is obviously that it will be in the same areas where we have already seen cuts, with the same kind of reaction that the government has already experienced.

• (1440)

In any event, that is my request for additional information, and I hope we could then return to it tomorrow.

Senator LeBreton: I thank Senator Hays for the question. The honourable senator talks about cuts. When we went through the expenditure review last summer, we found savings in many areas.

The government will be bringing in many programs that are not identical to the programs that the previous government proposed in various forms. I will have to look at the press releases because I do not know exactly what programs Senator Hays is talking about. However, in many cases we will support programs, one example being related to the status of women, which we feel suit the needs of Canadians where they live and work.

In the case of programs under the Minister of Natural Resources, Mr. Lunn, I am quite sure that if certain programs have been cancelled — and there were programs, as you know, that he has decided not to pursue — that does not mean we will not be replacing any of the programs that he has already decided are not good value for the taxpayers' dollars. He will be replacing those with better programs.

Therefore it is quite incorrect for the opposition to put out a press release saying that these are cuts and there will be no benefit at the other end for Canadian consumers and taxpayers, when in actual fact this government, on a whole host of fronts, will have programs that we feel better reflect the needs of Canadians and are better value for the hard-earned tax dollars of Canadians.

Senator Hays: I should like to inform the minister that it is not the opposition that is announcing the cuts, but it is the opposition that is making public information that indicates the government plans these cuts.

Just to stay with the ones we know most about, the NRCan-affected programs, they are measures from the economic and fiscal update in Bill C-66, cumulative cost 2005-06 to 2010-11. In any event, the government has cut programs that I mentioned a moment ago, like EnerGuide for houses, communities and institutional buildings, home heating system cost relief, renewable power production incentive, all of which touch directly on achieving our environmental objectives through increased energy efficiency and creating fewer carbon emissions as well as volatile organic compounds, which are the other clean air bill objectives in terms of ozone precursors or smog.

There is a fair amount of detail here and I would like to leave it with the honourable leader. I appreciate, if she has not seen this document, that I will not be able to fairly ask much more than

[Senator Lapointe]

I have. The main question, again, is: What are the other programs? I ask that question because it would account for most of the money that apparently is intended to be cut.

Senator LeBreton: I am glad the honourable senator acknowledges at least that these are not necessarily cuts and that there are other programs. I will be happy to look at the press release and attempt to answer without giving away potential future announcements by the government on the environmental front.

Senator Hays: As a final clarification, in my preamble to my question I had not indicated any new programs that I have seen in this material.

Senator LeBreton: I know the honourable senator did not indicate any new programs, but at the end, if I heard his question properly, he was asking, with these "cuts" as he calls them, what could he expect to be announced in their place. I took that as an acknowledgement that the senator did not necessarily see them as cuts but that he was expecting something in their place.

Senator Hays: We will see whether there are other things put in their place. However, my greatest interest is in the cuts.

• (1445)

Senator Rompkey: This was the unkindest cut of all.

Senator Tkachuk: You cut me up, Senator Rompkey.

THE ENVIRONMENT

CLIMATE CHANGE PROGRAMS— AUDITS AND ASSESSMENTS

Hon. Grant Mitchell: Honourable senators, speaking of cuts, the Minister of the Environment and the Leader of the Government in the Senate have repeatedly said their government cancelled the previous government's climate change programs because they were inefficient.

Having made such a significant decision, in light of our Kyoto Protocol commitments one might think the government would have data, studies, or a way to assess whether these programs were efficient. That is simply not the case.

On May 31, I submitted a written question asking for that data, and I have not received it. I can only conclude, therefore, that none probably exist. When the Minister of the Environment appeared before the Standing Senate Committee on Energy, the Environment and Natural Resources last week, she had an amazing revelation. She stated:

You should also know there has never been a comprehensive audit or review done of the climate change programs across government, ever.

To the Leader of the Government in the Senate, if the Minister of the Environment has never done a review or audit of these climate change programs, how would she and the government know these programs were inefficient enough to cancel?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the record speaks for itself regarding the success of the previous government on climate change. The numbers went up instead of down. One report attributed to the new Liberal leader, the Honourable Stéphane Dion, states that the reason the former Prime Minister signed on to the Kyoto Protocol was to outdo the United States. Incidentally, the United States outperformed us on the achievements.

Honourable senators, the government is committed to achieving meaningful progress in reducing greenhouse gas emissions over the longer term. We will not use taxpayers' dollars, as proposed by the previous government, to purchase international credits.

I saw a portion of the minister's appearance before the Standing Senate Committee on Energy, the Environment and Natural Resources. I thought that the Minister of the Environment, the Honourable Rona Ambrose, answered the questions extremely well. She is knowledgeable about the file. She was a credit to herself and the government.

Senator Mitchell: Honourable senators, contrary to the assertions of Minister Ambrose and the Leader of the Government in the Senate that these programs are inefficient and need to be cancelled, I have an NRCan briefing to the minister. I received that briefing under Access to Information, and it makes quite another conclusion. It states:

The review led by the Treasury Board Secretariat assessed programs against criteria that were heavily weighted on effectiveness and cost-effectiveness. All NRCan programs were assessed to be on track to meet or surpass their objectives. The energy conservation and renewable programs were found to be effective in stimulating emission reductions. They will contribute over 20 megatons in reductions by 2010 mainly at a cost of less than \$10 a tonne, which is extremely cost-effective.

Could the Leader of the Government in the Senate give us documentation to counter that official departmental review, assessment and briefing to the minister that said the programs were efficient, not inefficient? Will we be left to believe the critical decision to cut those programs was based on blind, parochial, limited ideology, rather than on facts, assessment and analysis?

• (1450)

Senator LeBreton: I thank Senator Mitchell for his question, and I apologize that he has not received an answer to his question of May 31. I will check to see what has happened. Most would agree that the government has been efficient in responding to senators' questions. I have to assume that a mix-up occurred, because that is an inordinate amount of time for the honourable senator to await a response to his question.

With regard to NRCan and the Access to Information request that the honourable senator has cited, I would need to see a copy of the report. Therefore, I will take Senator Mitchell's question as notice, with the assurance that he will not have to wait six months for an answer.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—PROPOSAL TO ELIMINATE SINGLE-DESK SELLING FUNCTION

Hon. Lorna Milne: Honourable senators, yesterday the Minister of Agriculture commented on the fact that he will hold a plebiscite on barley marketing among the members of the Canadian Wheat Board in January and February. He also committed to asking those farmer members a clear question about barley: Do they want more marketing choice for barley?

In the recent Canadian Wheat Board elections, pro single-desk-selling won two-thirds of the votes cast, and eight of the 10 elected farmer directors now support single-desk selling. The minister believes that the farmers should speak and has said that he will be listening.

My question to the Leader of the Government in the Senate is this: Is that all this government plans to do at this time — listen? It is becoming clear that this government is not listening, and that they are committed to “blowing up” the Canadian Wheat Board. I am sure many Western farmers would appreciate it if the government waited until it had heard from them before continuing on this disastrous exercise of dismantling the Canadian Wheat Board for misguided ideological reasons.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. The government never said that it would “blow up” the Canadian Wheat Board. The government campaigned during the last election on a marketing choice such that farmers would have the choice of selling their product directly to market or through the Canadian Wheat Board.

With regard to the election of new directors to the Canadian Wheat Board, this is a free and democratic society. Individuals were elected and the government will work extremely hard with those new directors to ensure that the Canadian Wheat Board is a viable organization for selling Canadian wheat. The government never said that it would dismantle the Canadian Wheat Board.

With regard to the honourable senator's question on barley, the Minister of Agriculture has committed to a plebiscite on barley in early January 2007. There is nothing ideological about the plebiscite, and many barley producers have requested this opportunity. They will vote early in the new year and the results will tell us how the barley producers want the government to proceed on the issue.

Senator Milne is from Ontario and I appreciate her interest in the wheat and barley growers in Western Canada. However, I wish to point out to her that Ontario is a major producer of wheat, a fact little known to many. Years ago, Ontario was likely one of the biggest producers of wheat in Canada. Wheat grown in Ontario is divided into three markets for sale: domestic, the U.S. and off-shore. Ontario wheat producers have full marketing choice. For the life of me, I do not understand why Senator Milne would not want western grain producers to have the same rights.

Senator Milne: The honourable leader is quite right: Ontario used to be the largest producer of wheat until Red Fife wheat was developed in Ontario.

• (1455)

Unfortunately, actions speak louder than words, and the actions of this government are speaking loudly.

I understand that Manitoba Premier Gary Doer also raised the election results when he met with Prime Minister Stephen Harper yesterday. Apparently, Premier Doer told the Prime Minister that the results were overwhelmingly in favour of maintaining the board's single-desk status, and he urged the Prime Minister to hold a plebiscite on wheat. In fact, the Province of Manitoba is holding its own non-binding plebiscite on wheat.

This raises two interesting questions. Is this government afraid of listening to Western farmers? What is the position of the Conservative Party of Canada on the timing of a future referendum on the Canadian Wheat Board?

Senator LeBreton: Honourable senators, we are not afraid at all. We campaigned and were elected on marketing choice. I will say again that we have never said we would, to use Senator Milne's words, “blow up” the Wheat Board. I do not understand why the honourable senator would think we are not following a democratic process when we are going to have a plebiscite for barley producers early in the new year and we supported the right to have direct elections for directors of the Wheat Board. That is all very democratic.

With regard to the conversations reported on between the Prime Minister and the Premier of Manitoba, I was not privy to those private conversations, but Premier Doer has said that publicly. There has been significant criticism of Premier Doer for proceeding in this manner and putting the taxpayers of Manitoba to a totally unnecessary expense when the Minister of Agriculture is dealing with farmers and the other stakeholders in Western Canada. As I said, barley producers will be voting in a plebiscite early in the new year. We will await the results of that plebiscite. We consider the Wheat Board to be a valuable entity if farmers choose to use it to get their product to market.

Senator Milne: Senator LeBreton did not answer my question. What is the timing for a referendum on the marketing of wheat?

Senator LeBreton: I am sorry I missed that part of the question.

We are dealing with first things first. We will have the plebiscite on barley in early January. I will take as notice the question of Minister Strahl's plans regarding a vote on wheat.

FOREIGN AFFAIRS

SOMALIA—INTERNAL STRIFE

Hon. Mobina S. B. Jaffer: Honourable senators, my question, directed to the Leader of the Government in the Senate, concerns the deteriorating situation in Somalia.

Somalia has suffered droughts, wars and lawlessness. Recent floods have left 1 million people homeless. Ever since the transitional federal government formed in 2004, the country has been drifting toward a new war. This trend has recently accelerated dramatically and peace talks have disintegrated. The standoff between the transitional federal government and

the Islamic courts, which now control Mogadishu, threatens to escalate into a wider conflict, which would consume much of the South and possibly involve terrorist attacks in neighbouring countries.

The Islamic court's success and the rise to prominence of hard-line jihad Islamists has sent shock waves throughout the international community. Many countries are determined not to allow Somalia to become an African version of the Taliban-ruled Afghanistan.

What is the government doing to help the people of Somalia?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that good question. Canada and other countries face incredible challenges in Somalia, Darfur and many other places in the world. There is no easy solution to this problem. The Minister of Foreign Affairs has been monitoring the situation and consulting with officials in his department.

• (1:50)

Unfortunately, I cannot, today, give the honourable senator the definitive answer on what Canada will be asked to do or what Canada can offer to do in Somalia. However, I will certainly ensure that the Minister of Foreign Affairs, Mr. MacKay, is aware of not only the honourable senator's concern but the concern of a great many Canadians about the deteriorating situation in Somalia.

Senator Jaffer: I understand we are in Afghanistan to help get rid of the Taliban. In Somalia, there is increasing Taliban-like behaviour. Why are we not playing a leadership role in Somalia? Terrorist acts in other parts of Africa continue to begin in Somalia.

I ask the honourable leader if she would ask her government to play a leading role and lead the international community to stop terrorism and extremist acts in Somalia.

Senator LeBreton: I think we would all agree that our government and all Canadians support the leading role that is being taken in Afghanistan in routing out the Taliban and trying to create a more secure environment for the citizens of Afghanistan, as well as participating in many wonderful projects.

I was interested last night to see on the CBC news some of the troops from Edmonton who had just returned from Afghanistan talking about the wonderful successes. There is no question that a great deal of Canada's effort at the moment is toward the situation and the conflict in Afghanistan, along with our other NATO and UN partners.

With regard to the situation in Somalia, I do not know what the United Nations or NATO is recommending or suggesting or asking Canada to do, but I will, as I said in my earlier answer, bring the honourable senator's concerns to the attention of the minister.

Of course, we were in Somalia in the past, and it is a very difficult situation. Nonetheless, it requires attention, and I will be happy to respond after I have referred this matter to the Minister of Foreign Affairs.

[Translation]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT— AUDITOR GENERAL'S REPORT 2003

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 12 on the Order Paper—by Senator Segal.

VETERANS AFFAIRS—DEPLOYMENT OF STAFF

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 16 on the Order Paper—by Senator Downe.

[English]

THE SENATE

IRAN—NOTICE OF MOTION TO CONDEMN HOLOCAUST DENIAL CONFERENCE

Leave having been given to revert to Notices of Motions:

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that, two days hence, I will move:

That the following resolution be adopted by the Senate:

RESOLUTION TO CONDEMN THE HOLOCAUST DENIAL CONFERENCE HELD DECEMBER 11-12, 2006 IN IRAN

Whereas Iranian President Mahmoud Ahmadinejad has sponsored an international Holocaust denial conference entitled "Study of Holocaust: A Global Perspective", on December 11 and 12, 2006, in Tehran;

Whereas the Iranian Government is openly supportive of Holocaust revisionists, who resolve that the systematic state sponsored murder of 6,000,000 Jews and other targeted groups by Nazi Germany and its collaborators during World War II was either fabricated or exaggerated;

Whereas in August 2006, Iran staged a reprehensible international contest of cartoons on the Holocaust, endorsing and promoting prevailing anti-Semitic and anti-Israeli stereotypes and Holocaust denial;

Whereas President Ahmadinejad wrote in a letter in July 2006 to German Chancellor Angela Merkel, "Is it not a reasonable possibility that some countries that had won the war (World War II) made up this excuse to constantly embarrass the defeated people ... to bar their progress.";

Whereas on October 26, 2005, in a conference entitled, "The World without Zionism", President Ahmadinejad stated in a speech that "Israel must be wiped off the map.";

Whereas thereafter, these anti-Semitic comments were broadly condemned by the United Nations and others, including resolutions of various Parliaments;

Whereas President Ahmadinejad's current sponsorship of an international Holocaust denial conference is only the latest abominable act he has taken in a series of threatening and anti-Semitic, Holocaust denial statements and actions since he rose to power;

Whereas to deny the Holocaust's occurrence is in itself an act of anti-Semitism;

Whereas one who denies the Holocaust, denies the greatest tragedy of the Jewish people and the most extreme act of anti-Semitism in history;

Whereas President Ahmadinejad's past and present declarations and actions — spewing outrageous anti-Semitic, anti-Israel rhetoric, remaining a primary source of funding, training, and support for terrorist groups seeking to destroy Israel, and openly threatening Israel and other democracies — prove President Ahmadinejad is on a national crusade of hatred and ultimate destruction against Israel and the Western civilized world;

Whereas the longstanding policy of the Iranian regime aimed at destroying the democratic State of Israel, highlighted by statements made by President Ahmadinejad, underscores the threat posed by a nuclear Iran:

Now, therefore, be it resolved, that the Senate of Canada—

- (1) Condemns in the strongest terms the international Holocaust denial conference held in Iran on December 11-12, 2006, and any and all vile anti-Semitic statements made by Iranian President Mahmoud Ahmadinejad and other Iranian leaders;
- (2) Calls on the United Nations to officially and publicly repudiate all of Iran's anti-Semitic statements made at such conference and hold accountable United Nations member states that encourage or echo such statements;
- (3) Calls on the United Nations Security Council to strengthen its commitment to taking measures necessary to prevent Iran from possessing nuclear power;
- (4) Calls on the Government of Canada to condemn the anti-Semitic Holocaust denial conference;
- (5) Reaffirms the Canada's longstanding friendship and support for the State of Israel; and vows to never forget the horrendous murder of millions in the Holocaust and affirms that such genocide should never happen again.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I advise the Senate that when we proceed with Government Business, the Senate shall proceed in the following order: third reading of Bill C-34, third reading of Bill C-17, second reading of Bill C-24 and consideration of the sixth report of the Standing Committee on Transport and Communications on Bill C-3.

[English]

FIRST NATIONS JURISDICTION OVER EDUCATION IN BRITISH COLUMBIA BILL

THIRD READING

Hon. Hugh Segal moved third reading of Bill C-34, to provide for jurisdiction over education on First Nation lands in British Columbia.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

[Translation]

JUDGES ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Pierre Claude Nolin moved the third reading of Bill C-17, to amend the Judges Act and certain other Acts in relation to courts.

He said: Honourable senators, I am pleased to speak today to acknowledge the importance of Bill C-17, to amend the Judges Act and certain other Acts in relation to courts.

This bill implements the federal government's response to the 2003 report of the Judicial Compensation and Benefits Commission. It also proposes to make certain technical amendments to other acts in relation to courts.

Respect for the integrity of the commission process is key to ensuring public confidence in the independence and impartiality of our judiciary. That is why the government felt it was necessary to quickly accept the recommendations of the commission as proposed in Bill C-51, with the exception of the salary proposal.

The House of Commons has examined in detail, debated and passed this bill as introduced by the government, with the exception of a few minor technical amendments. It is now up to the Senate to study this bill, in its constitutional role in the parliamentary process under section 100 of the Constitution Act, 1867.

Honourable senators will recall that the previous government introduced Bill C-51, which would have implemented all but one of the commission's recommendations, including a 10.8 per cent salary increase for judges. Our government is planning a 7.25 per cent salary increase. This difference is the result of a serious and responsible analysis. It represents the quest for balance between important constitutional principles with respect both to the independence of the judiciary and the fiscal responsibility of the Government of Canada.

Since judges' salaries come from the public purse, we must consider judicial compensation in relation to other legitimate requests for public resources and other economic and social priorities of the government. We are all aware that there are a certain number of constitutional principles that guide governments in establishing judicial compensation, both in the jurisprudence of the Supreme Court of Canada and in our Constitution.

Under section 100 of the Constitution Act of 1867, Parliament is responsible for fixing the salaries, allowances and pensions of superior court judges. It is therefore up to Parliament to decide whether the commission's recommendation, the government's proposal or any other salary increase should be implemented.

Honourable senators know full well that, in addition to the protections of section 100, the Supreme Court of Canada has established a constitutional requirement for an "independent, objective and effective" commission whose purpose is to make non-binding recommendations to the government.

The Judges Act was amended in 1998 to strengthen the commission process in accordance with the constitutional requirements defined by the Supreme Court of Canada. The commission meets every four years to inquire into the adequacy of judges' compensation and benefits. It is required to submit a report and recommendations. The government must respond publicly within a reasonable period of time following the commission's report.

The Supreme Court provided balanced guidance for these constitutional requirements in two key decisions: the *P.E.I. Judges Reference* and the *Bodner* decision.

• (1510)

In both of those decisions, the court acknowledged that allocation of public resources belongs to the legislatures and to governments. Careful reading of the decisions in these two cases clearly indicates that governments are fully entitled to reject or amend a commission's recommendation, provided that a rational public justification is given, one that respects the commission process.

The government must show that it complied with the standard of rationality established and clarified by the Supreme Court. That is what the Government of Canada did in its response to the commission's 2003 report.

The government's response addressed the commission's recommendations fairly and objectively. It aimed to reinforce the effectiveness of the commission process, depoliticize setting judges' salaries and preserve judicial independence. But the commission's effectiveness is not measured by whether all of its

recommendations are implemented unchanged. Rather it is measured by whether the commission process, its information gathering and analysis and its report and recommendations play a role in informing the ultimate determination of judicial compensation.

The commission's work and analysis have been critical in the government's deliberations. The response respectfully acknowledges the commission's efforts and explains the government's position in relation to two modifications to the commission's proposals.

Honourable senators, Bill C-17 proposes to implement virtually all of the commission's recommendations. The exceptions are the commission's recommendation of the 10.8 per cent salary increase and the representational cost proposal.

Instead, the government is prepared to support a salary increase of 7.25 per cent and to increase reimbursement of representational costs to 66 per cent from the current level of 50 per cent.

As the response elaborates, the government believes that the commission's salary recommendation of 10.8 per cent overshoots the mark when defining the salary increase necessary to ensure outstanding candidates for the judiciary.

The other proposed amendment pertains to the commission's recommendation that judges are entitled to a higher rate of reimbursement for their expenses in respect of their participation in the work of the commission. It recommended increases of between 50 per cent and 66 per cent for legal expenses and between 50 per cent and 100 per cent for costs.

The government's response explains that the reimbursement of 100 per cent of costs provides little or no financial incentive for judges to incur reasonable expenses, in particular, the cost of large contracts for consultants with expertise in compensation and other matters.

Consequently, Bill C-17 would increase the current level of reimbursement by 50 per cent to 66 per cent.

Honourable senators, I would like to point out one last amendment proposed by Bill C-17. This bill includes a long overdue proposal aimed at levelling the playing field for partners of judges in the difficult circumstances of a relationship breakdown by facilitating the equitable sharing of the judicial annuity. The judicial annuity is currently the only federal pension not subject to such a division, despite the fact that the judicial annuity represents a very significant family asset. These provisions are also consistent with both the objectives of probative retirement planning and the constitutional requirement of financial security as a part of the guarantees of judicial independence. While this policy may seem extremely complicated, its objective is very simple: to address a long outstanding equity issue in support of families undergoing breakdown of the spousal relationship.

In conclusion, honourable senators, I am certain that you concur that the last step of the 2003 four-year review, the adoption of Bill C-17, is of great importance. The credibility, in fact the legitimacy of this constitutional process requires it,

particularly in view of the length of time that has passed since the commission report and the fact that the next four-year commission will begin its work in less than a year, specifically next September.

I am sure you will agree that it is of vital importance that we deal with this bill with all due dispatch. In so doing, we will help ensure that Canada continues to have a judiciary whose independence, impartiality, commitment and overall excellence not only inspire the confidence of the Canadian public but are envied around the world.

[English]

Hon. Jeremiah S. Grafstein: I only have one question. I think the honourable senator and members of the committee heard my comments with respect to the delicacy of dealing with the compensation as it relates to not only the process, but the quantum.

I want to talk about the process for a moment. Is the government considering reviewing and revamping the commission itself before the next quadrennial review?

Senator Nolin: I am probably not the right person to answer that question. I think the minister of the Crown would be the more appropriate person to ask.

I must inform the honourable senator that this morning we put that question not to the minister — maybe we should have asked him — but to the commissioner, who was in front of us.

As the honourable senator may know, one of the commissioners is the nominee of the judges. An honourable senator asked the question about his attitude toward those who have nominated him. In his view, he was not the representative of the judges. He was the nominee of the judges, period; that is it. He was not there to defend their position. He was there, as were the other two commissioners, to reflect, investigate and report on the appropriateness of the salaries, wages and pensions of the judges.

However, in the making of the future commission, I think it will be up to the government. Statutorily, the government must appoint the new commission before next September. It will be up to the government to decide if they want to reappoint the same commission or to appoint a new one.

Senator Grafstein: I do not question the honesty or integrity of any of the commissioners. I just raise the question, as I did in my earlier comments, about whether or not it is appropriate. Senator Nolin repeated my concern that the Constitution, in sections 99 and 100, is very clear that compensation for the judiciary is the subject matter of the jurisdiction of the two Houses of Parliament. There is no question about that.

However, the collateral question is in regard to the nature of the advice it seeks. We have already talked about the two cases of the Supreme Court. I think one was seriously flawed; we can question Supreme Court of Canada cases in this chamber. I think it was flawed; and I think that the second Supreme Court case mentioned by my honourable friend, the more recent one, tried to change that precedent, which I think is a more healthy way to go.

Having said all that, I hope the government gives serious consideration to taking a look at the commission to ensure that it is pristine and that nominees who represent the judges are not made to that commission.

• (1520)

I do not quarrel with Mr. Cherniak, and I do not question his integrity. I just question that he says to the committee, as I understand it, that "Once I am nominated, I am there, independent of the people who appointed me." It begs the question that, surely, if he is independent of the people and the judiciary who nominate him, why is it necessary for the judiciary at all to have that appointee?

I raise that for the honourable senator. I know others on this side share my concern. I hope that the government will give this matter serious consideration when it comes to re-examining the structure of that commission.

Senator Nolin: I am sure that the government is listening to the honourable senator's suggestion, and in due course they will consider it. At the end of the day, what any government would want is to ensure that our constitutional responsibility is properly met and that Parliament has all of the information necessary to establish the right and appropriate salary, wages and pension for our judiciary.

Hon. Anne C. Cools: I wonder if Senator Nolin would take a question?

Senator Nolin: Of course.

Senator Cools: I was a little bit surprised that a bill of this magnitude would literally fly through this committee and through the chamber with such haste.

Many of the questions that Senator Grafstein has just raised have been raised before in the Senate, including, I think, by the Honourable Senator Nolin. We have raised questions in previous go-arounds on previous judges' bills. The record is quite prolific and extensive on the subject-matter. I know I gave one speech quite exhaustively on this subject.

We are in an era where we are begging the question as to whether or not this house and the House of Commons, in joint action in respect of legislation, are in actual fact fulfilling the constitutional requirements of the BNA Act, which are extremely clear that Parliament should fix and provide the judges' salaries. We have raised many questions about that subject.

As a matter of fact, I contended that the setting up of this commission created an additional step, a distance between Parliament and its ability to execute its constitutional duties. In other words, I believe the very creation of the commission is questionable. That is why I have some support for the notion that a body, whether or not it is a commission — this seems to be the buzz word these days, commissions and commissioners — should be created to assist us in the setting of the quantum of salaries of these, what I would call, high offices.

My question to the honourable senator is more direct. If he were to look to the BNA Act — maybe he does not have a copy. In respect to section 99(1) and (2) and section 100, the

[Senator Nolin]

two sections that are very relevant here, if he were to look to the bottom of the page, footnote 54 states that that constitutional requirement of section 100 is provided for in the Judges Act.

I wonder if the honourable senator — and I know he was not the person who sponsored the bill — could tell us offhand what the relevant sections are in the Judges Act that fulfill these constitutional requirements? If the honourable senator does not know, I will appreciate that.

Senator Nolin: The honourable senator raises a very interesting point. I do not have the answer right now, but I will gladly provide it later.

Returning to the question of Parliament being in charge as stipulated by section 100 de la Loi constitutionnelle de 1867, the minister said this morning that the government is proposing to Parliament, and that Parliament will decide. We are proposing 7.25 per cent; if honourable senators wish to go to 10.8 per cent, as proposed by the previous government, that is fine with me. It will be their decision. If they wish to appropriate 9.5 per cent, that is also fine with me.

However, I think we must follow the decision of the Supreme Court because they are, according to the Charter, our guide. I know Senator Cools has a problem with that, but that is my opinion. In fact, we have a constant dialogue between the court and the Parliament. In that area, we have a vibrant dialogue. Sometimes we do not argue with them but answer to them with our legislation. If they do not agree with us, they answer to us with their decisions. That is the dialogue.

Last year in a case, they told us how they wanted that role of Parliament to be implemented. Therefore, when we are in total authority to fix those salaries, we must explain why we are doing that. That is what we have done in Bill C-17. We are proposing to accept the arguments and the rationale behind the figure of 7.25 per cent.

Senator Cools: I appreciate the honourable senator's answer, but he has put into his answer a lot of premises that are debatable, not absolutes, and premises that have not been widely agreed to by the members of this house.

If I can return to the question in another way, I made it my business to trace those clauses in the Judges Act. One hundred years ago, when the notion was created, the salaries were fixed individually. At one time, someone said, "Let us do them in bulk." Around 1905 or 1906, they created a Judges Act, but the sole intention of the Judges Act was only ever to fulfil the constitutional requirements under section 100. What has happened over time is that the Judges Act has been burdened with a thousand other things that have nothing to do with the salaries of the judges.

I would also like to say today, for the record, that the creation of a private, custom-made commission for the judges, giving the judges the ability to adjudicate the meaning of the term "judicial independence" — in other words, creating a commission wherein the judges have their own representative, delegate or nominee, is something that could or should be discussed. None of these three items are contemplated or intended by the BNA Act of

1867, which is still the framework within which we are dealing. However, it seems that, for the last 10 years, although many senators in this house, time and time again, in these debates in respect of the judges' salaries, have attempted to bring this knowledge and this information before the government, the government dismisses us every single time.

Senator Nolin says that the government only accepts and recommends to us. To say that is to be blatantly naive. Any individual in today's houses, any individual senator who dares to vote against what the government wants, does so at their own peril.

• (1530)

Let us understand this: What my honourable friend is talking about is highly whipped votes. The whole notion of charging salaries against the Consolidated Revenue Fund as opposed to having them charged in the business of the yearly annual estimates was especially to avoid the partisanship that comes with whipped votes. The entire situation has been raised on its head.

I am sorry, honourable senators, that I was not able to give a more detailed speech on this issue. However, I have done so several times in this house and they have not listened.

Honourable senators, there is something very wrong in how we are dealing with our judges. It is unhealthy both for them and for this institution. The problem is that as soon as the constitutionality of the issues is questioned, immediately someone puts it into the context that either one likes judges or one does not, or one is against them being paid well or is not. Everyone wants to see every public servant properly remunerated. At the same time, it is incumbent upon us to do it within the law. It is very unhealthy that we are managing the business of remuneration of the judges by stepping outside of the constitutional system. All I am saying is that we owe it to them to do it better.

This so-called new government has a glorious opportunity to come up with a brand new approach, not the same old tired rubbish and tired nonsense about how important it is to attract the highest-paid lawyers and the country. That is a terrible basis upon which to justify this, especially in a day like today. Senator Nolin knows better than I that the practice of law has approached the status of being commerce and an industry rather than a profession.

A few weeks ago, I had a dear judge friend of mine tell me that he did not want to do judging anymore. His words were exactly that: This is commerce. Certainly the reasons for lawyers to accept appointment and for us to grant the appointment should be higher and better than just the dollar sign. There is something wrong in all of this. What is most wrong is that the government of today and those of the last many years do not take members of Parliament seriously. There is ample evidence on the record. Senator Grafstein made some recommendations about the Judicial Council some years ago. I do not think he was ever dignified with a response from any minister.

Honourable senators, the real truth of the matter is that we are now in a period of time where there is no constitutional check on the powers of any government. The governments have simply

taken the two Houses into their own hands and one agrees or disagrees at one's own peril. They have reversed the principles.

No one cares more than I that we follow the law on these issues. I have been blessed in my lifetime to have as very close friends some of the great luminaries of the law and some of the great judges in this country. I will name one of them: Mr. Justice John Wesley McClung, one of the last great luminaries and a great human being. We are not doing the judges any service.

My question is this: Is it the honourable senator's intention to bring forth a motion — or perhaps the government could do it because it would be nice if it was supported by the government — so that a Senate committee or the Senate as a whole could study the questions of judicial independence and appropriate and necessary judicial remuneration? These are very important issues.

Honourable senators, it is time that we took ourselves seriously and brought the issues of the day to this place for debate. I know that Senator Nolin agrees with much of what I have said.

[Translation]

Senator Nolin: Honourable senators, I will answer in the language of Molière, which is the language I know best. First of all, I do not question the soundness of Senator Cools' arguments nor her good faith. I think it is a fundamental question. Rarely does Parliament play such a key role in establishing this precarious but beneficial balance that must exist between the exercise of judicial authority and legislative authority. But there must be a place where this balance is considered and, with much diplomacy but also firmness, it must be constantly examined and strengthened. This must be done in Parliament.

The honourable senator raises the issue of the involvement or the role of a government in our British parliamentary system. Honourable senators, the entire process currently in place is a legislative process. It is a statutory process. Whether the government or Parliament is involved, compliance with section 100 of the Constitution Act, 1867 takes precedence; then, insofar as possible, there is observance of the decisions of the Supreme Court that provide guidance as to how to maintain this precarious yet important balance between the legislative authority and the authority of the courts.

But it was Parliament that established this statutory process. The criteria that the commission uses in establishing or reviewing judicial compensation must specifically include the ability to attract the best candidates to the judiciary.

I have no problem re-examining the statutory provisions that must guide the commission. I have no problem re-examining the process. What matters to me is that, in the end, Canada and Canadians can say they have a judicial system that is independent, impartial and effective. That is the only thing that matters to me. And that, I humbly submit, is what we have before us.

Honourable senators, in its 2003 report, the commission made 16 recommendations and the government accepted all but one of them. At this point, we disagree on only one minor point: yes, salaries will be increased, but by how much?

The courts have enlightened us about how, or how rigorously, to determine salary increases. The Minister of Justice has

proposed a 7.25 per cent increase and has told us how he arrived at that figure. The Minister has also told us that we can set whatever increase we want, but his response implies that we are going to follow the rules that the courts have set as benchmarks for determining salary increases if we deem that there should be an increase.

I invite Senator Cools to put forward her proposals. Certainly, today, we have before us a very specific bill, Bill C-17, which seeks to implement recommendations dating from 2003. But I will be the first to support you in a process where we examine together how to better attain the three objectives I mentioned earlier: independence, impartiality and effectiveness.

[English]

Senator Cools: Thank you, Senator Nolin, for your response. We have gone through this on a few bills.

• (1540)

Back in 1996, when we had one particular judges' bill before us, we talked about the need for a debate on these critical matters. I believe the honourable senator actually said that to the minister at the time, who I believe was Anne McLellan. I take very little interest in the actual sums of money or the quantum. What has led us all astray is the meaning of the words "judicial independence." The reason that these clauses and article sections were placed in the BNA Act was to bring judges from under the influence of the Crown, the executive and the cabinet, and to put them under the superintendence of the two Houses of Parliament.

If you will remember, these two sections, 99 and 100, are the result of a great period of turmoil in Britain during the rebellions and the revolutions in which some of the judges played a most notorious role. If honourable senators were to look to the introductory sections of the Bill of Rights of 1689 — and I do not presently have it in front of me — they would see that it begins by talking about the King and his "divers evil counsellors," including the judges, or something like that, because the community — let us be quite frank — had gone astray; had become lost. Between the King and the struggle of the Houses, one could truly say that it was a colossal situation of man's inhumanity to man where they all got lost, and particularly Mr. Oliver Cromwell, who intended to replace it all.

What we do not talk about at all is the fact that these sections were created to sever the judges from the King's control, and that is what judicial independence is. There is no danger in today's community that any MP would phone up a judge to say, "My son is before you in a criminal trial; acquit him." The danger of judicial independence must always come from the holders of largesse, from the holders of favours; in other words, royal pleasure. That is what judicial independence is about, not the influence of just any lowly MP.

In Canada this is extremely important, because when Canada was created on its British basis, for some reason they adopted many things and they did adopt the British notion of judicial independence. We have situations involving judges. The name of one of the first judges was Chief Justice Peter Livius, and I think it was Governor Sir Guy Carleton who just dismissed him summarily. That was around 1778, or just after the American

[Senator Cools]

revolution. It was after the socialferment, especially in Upper Canada where they insisted that judges in Canada be appointed on the same basis as they were in Britain where, with the establishment of the Consolidated Revenue Fund, there was a great movement to charge the salaries of the judges to the Consolidated Revenue Fund. This is what these provisions that Senator Grafstein has so ably raised are all about.

One would also need to go a lot farther. One must know that the development of the notion of judicial independence was intimately tied to the development of responsible government. The whole phenomenon of proceeding in these ways, as outlined in these sections 99 and 100 of the BNA Act, were exactly to avoid votes of confidence on the question of judicial salaries, because that was thought to be a bad thing.

We must understand that we are now in an era where cabinet ministers are bringing forward legislation to us, insisting, persisting, unrelentingly demanding that we pass it unquestioned and unamended. Quite often, the ministers themselves have no knowledge, or only a scant knowledge, of the constitutional principles that undergird and reinforce the entire system, and that, more than anything else, is one of the greatest problems that we are facing today. This is why one government can go down the road of tying members' and the Prime Minister's salary to those of the Chief Justice and the judges, and then barely a year later they change their minds because the recommendations from the so-called commission were a little too rich, not for the judges' blood but for the members' blood, they thought. They did not mind paying the judges those salaries, but they did not want to pay MPs those salaries, so the government changed its mind.

In both instances, when the government has changed its mind, it whipped its members into subjection, brow-beating them. If honourable senators want to know, I too was brow-beaten, both times, on both counts, so the opposite proposition —

Senator Murray: By both parties.

Senator Cools: — and by both parties — yes, thank you for that; by both parties. This is what they do. They brow-beat you into subjection. They want a mental indolence, but I do not give it.

Coming back to the essential point, I know where the honourable senator stands. Senator Nolin is also distinguished, because his father was a judge, now retired. In any event, Senator Nolin was critical in this chamber in bringing about an amendment to one particular Judges Act that sailed through the House of Commons and nobody noticed what was wrong.

In any event, I am prepared to accept the challenge one day of bringing a motion before this house, indicating that we want a reasoned study. We want a study that would do a review of the scholarship and of the literature, and also a review, quite frankly, of the constitutional principles.

In any event, I was not planning to say anything today. If I sound a little strained, it is because I am in considerable back pain, but I could not resist the fact that Senator Nolin touched on some of these issues, as did Senator Grafstein. It is a large topic and, like many of these topics and questions that govern our

constitutional existence, they are no longer studied. One could say they are slipping into becoming arcane.

Honourable senators, I thank you for your attention. Having said that, I would like to make it clear that I wish everyone in the entire community could have the best salary that they deserve. I wish that every Senate position could be filled by the most qualified candidate. I wish that the Senate vacancies would be filled right now by anybody.

What I object to is the articulation of all of this, in the way that governments have done for the last many years. We would always do much better if we articulated issues in respect of the principles. Honourable senators, I am sure, know the old expression: A little bit of virtue is good for the soul. In any event, I thank honourable senators very much for listening. It is a huge issue.

Hon. Yoine Goldstein: Honourable senators, I have spoken before in this chamber, in Question Period. I have also made a variety of statements, including one today, but I have never had the opportunity to thank each and every one of you for the warm, accepting and lovely welcome that I was given by all of you, senators and staff alike, when I came to this place last year. Your unconditional helpfulness and openness were and are to me an absolute treasure.

I must say that I found my initiation to this chamber rather confusing. Named as a Liberal, I found myself seated on the Conservative side of the chamber. Although I have many friends on what was then the opposition side of the chamber, I said nothing at all about it and bided my time while waiting for the election, which was then imminent. I found myself again confused after the election because I was again seated on the wrong side of the chamber, opposite my Liberal colleagues. However, I am assuaged by the fact that now I am sitting on what has become the government side. I hope, however, that this party will be on this side briefly.

• (1550)

It had never occurred to me, honourable senators, that I would be standing in this Chamber speaking to those who have been entrusted with the noble task of providing a sober second look at Canadian legislation. I never dreamed that a person of my background could achieve this, but this is Canada, and here I am.

Each us brings to this chamber and to our work here our own traditions, background and roots. I was born in the tenements of East Montreal, the last child of immigrant parents of very modest means and, fortunately, very simple needs. Yet, those parents managed to provide me and all my siblings with a university education, as well as postgraduate studies because, honourable senators, this is Canada.

This is a country, a land and a people which are so easy to love. Education is available to virtually all who wish to take advantage of it. Health care is universally accessible to all, even with the delays, blemishes and warts that we are all trying to fix. This is a land where the safety net is spread wide to protect the most vulnerable in our society. This is a land blessed, and I use the word advisedly, with a Charter of Rights and Freedoms, which is the envy of the family of nations, a country which respects, admires and applies the rule of law. This is my land; my country; my home. I am proud and honoured to be here.

We all come to this place, as I said earlier, with different baggage, backgrounds and aspirations. In my Jewish tradition, there is the story of God's having consulted Abraham when He wanted to create the world and telling Abraham that He wanted to create a perfectly just world. Abraham told Him that even He, God, could not succeed with such an ambitious project and advised him to abandon it. The compromise that was reached between the two of them was that God would create the world as best He could and leave to humans the task of perfecting it. That is the concept of Tikkun Olam, the repairing of the world. Whether in my tradition or in the tradition of each and every one of you, we are all called upon to do our part as best we can in making the world better, in repairing that which requires repair. It is a mammoth and daunting task. Again, in my Jewish tradition, the work of repairing the world, of making it more just, is best expressed as a conundrum. My tradition tells me that I am not obliged to finish the work because one cannot succeed in finishing the work, but one cannot divest oneself of it, nor can one shirk it.

To me, this describes the honourable work that we all do because the job of governing is one that we individually and collectively can never finish, but we are exhorted to do everything we can to try to make this country of ours as perfect as we can collectively make it. Our role is to undertake the journey without any realistic hope of reaching the destination but with the hope of continuing to move towards that destination, steadily and with meaning.

[Translation]

Honourable senators, my immediate predecessor was the famous Senator Gérard Beaudoin, who represented this division for 18 years. I succeeded him, but I did not replace him, because Gérard Beaudoin is irreplaceable. To quote the Honourable Lowell Murray, he was:

[English]

... an intellectual, a constitutionalist, an author and a gentleman.

[Translation]

A professor of constitutional law, he was the constitutional giant of our generation. He was Dean of the Faculty of Law at the University of Ottawa, an author, and a man of integrity and dignity who was utterly devoted to his profession as a parliamentarian.

[English]

I am humbled to follow such a great parliamentarian. Being summoned to this chamber carries with it the possibility that one's voice can be heard if raised in the pursuit of good causes, and that possibility creates, in its turn, social responsibilities that we are each called upon to fulfill.

Honourable senators, I have had the occasion to speak of tolerance in a number of Senators' Statements in the past, including one I made earlier today. It is my intention not only to continue to speak of tolerance, one of the great components of our Canadian fabric, but also to continue to pursue and support the cause of tolerance in any way and by whatever means available to me.

[Senator Goldstein]

It was Sir John A. Macdonald who said that Confederation is not yet finished. That statement, true then, is equally true now. I am proud, honoured and humbled to join with all of you in the work of helping, to the best of my ability, to make Confederation and this exceptional country of ours the best it can be.

That brings me to comment specifically on Bill C-17, an act to amend the Judges Act.

As we now know from the excellent speech by my colleague and friend Senator Nolin, the Judges Act deals with an increase of salary, retroactive to April 1, 2004, of federally appointed judges and with the division of judges' annuity benefits in the event of a conjugal breakdown — matters the reading of which could likely cure insomnia. On its face, therefore, it is an innocuous bill, a housekeeping matter, ignoring for a moment the constitutional overtones about which we heard a great deal a few moments ago. It does not raise judges' salaries sufficiently, in my judgment, but that is for another day.

However, the bill does not mention the most fundamental change made by the Minister of Justice, Vic Toews, and some background is necessary in this connection.

For decades, the appointment of judges was a disciplined, objective process, intended to assure the appointment of qualified judges and meant to assure their independence, once appointed.

Committees were created to advise the minister. These committees rated candidates as "highly qualified," "qualified" or "not qualified." The composition of the committees was itself meant to assure objectivity. Typically, a committee would be composed of five senior members: one nominated by the federal government; one nominated by the Chief Justice of the relevant province; a nominee of the bar of that province; a representative of the relevant provincial government; and, a lay member. In brief, it is a procedure intended to ensure no political interference, maximum objectivity and a virtual guarantee of obtaining the most highly qualified candidate — surely a system intended to serve Canadians well.

It did serve us well. In a previous life, I had the advantage of appearing hundreds of times before judges of all levels, from simple municipal courts to the Supreme Court of Canada. I did not always like the result, although usually I did. The competence, skill, knowledge and objectivity of our federally appointed judges was and is the envy of the entire world, so much so that judges from China, Africa, Eastern Europe and from various other parts of Asia are sent here consistently to be trained by the Canadian federal judiciary to administer objective and independent justice in their respective countries. Our reputation is enviable, indeed, one of which we can and should be justly proud. There is, and was, no disagreement about this anywhere: Our judicial appointment system is admired and respected throughout the world. One would think, of course, that there is no reason for change.

Enter the Minister of Justice, Vic Toews. He declares his intention to fix a system which is not broken by naming a law enforcement officer — a policeman — to the consultative committees. Honourable senators, with all due respect to our police force, what on earth can a policeman know about judicial qualifications, judicial competence and judicial

independence? What can a policeman add to the process, except by introducing a dangerous and un-Canadian, rigid law-and-order mentality to the selection process?

Some Hon. Senators: Hear, hear!

• (1600)

Senator Goldstein: It is a process which is intended to deal with competence, not attitude. In addition, the minister proposes to name three nominees to each such committee and to deprive the one judge who sits on that committee of the right to vote. In short, the committee will act solely as the minister from time to time — whether it is a Conservative government or a Liberal government — wants it to act. If that is the definition of “objectivity,” of “independence,” then we should not be sitting here. Indeed, the net result of this process is to stack the process in favour of pleasing the Minister of Justice of the day. Is that dangerous? Is that retrograde? You bet it is.

Senator Di Nino: No, it is not.

Senator Goldstein: In an unprecedented rebuke to the Minister of Justice, the Canadian Judicial Council deplored the hatching of a plan to arbitrarily change the way judges are chosen. The Canadian Judicial Council expressed dismay that Mr. Toews was planning to introduce “significant changes to the composition and functioning of the judiciary advisory committees.” No less a person than Chief Justice Beverley McLachlin of the Supreme Court of Canada urged the Minister of Justice to include the judiciary and key legal bodies in any discussion of changes to the committee vetting process.

The council, which is composed of the Chief Justice and Associate Chief Justice of every Superior Court in this country, says that it is “concerned that these changes, if made, will compromise the independence of the advisory committees.” It urged the minister to delay the implementation of any plans until “meaningful consultation” has taken place.

Professor Peter Russell of the University of Toronto, who is an expert in the judicial appointment process, remarked, “While reform is always good, it should not take place in a way that totally undermines the integrity of the whole process.”

Unshaken by these rebukes and the universal condemnation of the judiciary and bar associations across the country, the Minister of Justice has gone yet further. He proposes to abolish the recommendation system of “highly qualified,” “qualified” and “not qualified” by replacing it with a system merely of “qualified” or “unqualified.” This would have two deleterious effects. The first is that highly qualified candidates, those most usually chosen by successive governments, would not stand out as highly qualified. The second is that the pool of “merely qualified” would be larger, allowing political choices and partisan choices to run rampant.

Professor Russell, an expert in this field, pointed out that this system would just “screen out the utterly incompetent,” and he added, “If you are in Kingston Penitentiary or something like that, you don’t make the list, but that is about it.”

Frank Addario, Vice-President of the Criminal Lawyers’ Association, asserted that the proposed new system proves that the Minister of Justice wants to appoint judges who will arrive with an agenda.

The cynicism that the Minister of Justice exhibits in this respect is rather incredible to Canadians. Add to this the fact that the federal government appoints only 1,100 of the thousands of judges who sit in Canada and that all of the non-federally appointed judges are appointed by the provinces which do not have a single police officer sitting on their advisory bodies. The cynicism lies in the fact that it is provincially appointed judges, not federally appointed judges, who hear the overwhelming bulk of criminal cases in Canada.

Why, then, is the Minister of Justice interfering with the federal appointment system, adding a policeman to the committees, when the issue of a law-and-order agenda cannot even arise at that level but, rather, would be arising at the provincial judges appointment level?

What is the Minister of Justice doing? He is destroying the objective nomination process to achieve a symbolism of rigid law enforcement, but a symbolism only, because one may logically assume that the provinces, which appoint most of the criminal judges, will find the minister’s changes uninspiring and will not follow them.

Why, then, is the minister doing this, knowing full well that it is an attack on judicial independence, that it is universally condemned by all the stakeholders and that it puts the executive branch in control of some judicial appointments virtually without regard to the qualifications of the appointees? Clearly, the minister is attempting to put an agenda in place, a regressive agenda, a doctrinaire agenda, a dogmatic agenda, one which is consistent with so many other regressive and doctrinaire steps that this supposed “new government” has taken. It is consistent with the Conservative’s abolition of the Law Reform Commission over a month ago. It is consistent with the abolition of the Court Challenges Program. It is consistent with the Conservatives’ attack on literacy programs in this country. It is consistent with the attack on the Status of Women’s programs. These social programs are not the only ones being affected by this dogmatic, regressive approach to our society. Cultural institutions are equally targeted.

We noted last week that the National Portrait Gallery, which was to have been housed in the former American Embassy across the road, is being privatized in Alberta, when all logic dictates that it should be in the country’s capital.

We know from an announcement last week that government policy is to diminish government funding of museums across the country and to place increased reliance on the private financial support of ordinary citizens, a philosophy which has been rejected throughout the civilized world.

In the United Kingdom, the government increased funding to museums so as to permit museums to stop charging for admission, thereby increasing museum attendance by 224 per cent since the start of that program.

Senator Mercer: That is impressive.

Senator Goldstein: Honourable senators, we are witnessing the tearing, the ripping, and the shredding of the Canadian socio-cultural fabric. We are witnessing an attack on our country on the texture of the Canadian being. We are seeing the imposition of a doctrinaire socio-cultural policy, of ideology which is regressive, reactionary and harmful to the Canadian body politic. We are having imposed upon us a dogmatic approach to social and cultural programs, a rigid and regressive policy destined to return us to the 19th century.

We want a Canada characterized by progressive social policy, not by regressive doctrine. We want a Canada governed by people, not by agendas. We want a Canada inspired by ideas, not ideologues. We intend, honourable senators, to take back Canada.

Hon. Joseph A. Day: Honourable senators, as chair of the Standing Senate Committee on National Finance, I wish to say a few words about Bill C-17.

First, I would like to congratulate Senator Goldstein for his fine address. The transcript of his address will add to the body of knowledge and information on this wide range of judicial appointments and judicial compensation.

Honourable senators will know that this issue, in the form of Bill C-17, came before our committee this day. We had a very good turnout of honourable senators to hear from the minister and from Mr. Cherniak, one of the commissioners of the Judicial Compensation and Benefits Commission. A number of very interesting issues were raised; I do not intend to go into those issues, although I expect others will do so during the debate on this matter. They are issues such as: Did the commission do its job properly? Did the government, in not accepting the recommendation of the commission, follow the rules, some of which were established in the Judges Act by virtue of amendments brought about previously by this chamber in terms of the standards to be followed?

Those issues were raised and during the committee meeting, we tried to deal with the tight issue that Senator Nolin referred to during his address to this chamber, namely, the question of judges' salaries and increased compensation. That is the crux of Bill C-17.

• (1610)

However, as we explored that issue and the question of the reduction in the percentage that was to be recommended by the government in this bill, from the 10.8 per cent increase that the commission recommended to the 7.25 per cent increase, we discovered other issues with this bill, which resulted in us attaching observations to the bill, which I will read into the record. They were attached to the bill when the committee's report was presented today, but senators may not have the observations in front of them at the present time. They read as follows:

Your Committee —

— that is, the National Finance Committee —

— is concerned about the practice by the Department of Justice of placing technical amendments in a bill that, in the Committee's opinion, should essentially be a response to

the report of the Judicial Compensation and Benefits Commission and, as such, relate only to amendments to the *Judges Act*.

Your Committee heard from an official of the Department of Justice that there are difficulties in addressing technical amendments of the type found in Part 2 of Bill C-17 through the *Miscellaneous Statute Law Amendment Act* process. Your Committee therefore urges the Department of Justice to review its practices in an effort to find a separate process by which these issues can be dealt with. Your Committee looks forward to receiving follow-up from the Department of the Justice in this matter.

Honourable senators will know the concern that has been expressed by me and others. The Honourable Senator Andreychuk is well aware of my concerns with the definition of technical amendments, as is Senator Oliver. Any amendment is an amendment that could potentially have serious, unexpected and unintended consequences. Describing it as a technical amendment does not mean that it is deserving of any less scrutiny.

If honourable senators look at the second page of Bill C-17, the table of provisions, amendments to the Judges Act are clauses 1 to 16. They deal with the issue that is essentially before us: the reaction by the government to the judicial compensation commission's recommendation. It would have been a nice, neat, tight package for us to deal with, but Part 2 of the bill deals with amendments to other acts as follows: the Canada Transportation Act, the Crown Liability and Proceedings Act, the Employment Insurance Act, the Federal Courts Act, the Pesticide Residue Compensation Act, the Railway Safety Act and the Tax Court of Canada Act.

Honourable senators, we did not provide the level of scrutiny on those other acts that would be expected of this body. We are all aware that the judges have been caught in this unfortunate situation of the report having come down from the compensation commission and then an election intervening and the need for or the decision to have another report from the quadrennial commission. It is unfair for our judiciary to be suffering from that unfortunate consequence. Therefore, I recommend that we support this particular bill as it appears, but I also ask honourable senators to keep in mind the observations of the committee. It is important that we not allow this type of practice to continue, that of unrelated and other items being tacked onto a bill and then the bill being presented as if it were solely the first part.

Senator Cools: I want to thank Senator Day for his remarks and also for picking up on that important point about the so-called technical amendments and the placement of them in this particular bill.

In addition, that point is attached to the particular question as to when a housekeeping amendment is a housekeeping amendment and when is it a technical amendment. Historically over the years many such "housekeeping" technical amendments have come through here within amendments to the Judges Act. They have quite often just sailed through until some sharp and observant senator picks up on them and questions them. Then it turns out that the amendments are neither housekeeping nor technical, but the honourable senator's point is very well taken.

This bill was referred to the National Finance Committee. Honourable senators know that for years I urged that these bills be referred to the National Finance Committee because they really go to the question of Parliament's control of the public purse.

I ask the honourable senator if it was an oddity that this bill was referred to the National Finance Committee, or will this be the continuing practice of the Senate? I would like to see it become a practice of the Senate because the real questions behind the Judges Act at the end of the day are the proper constitutional expression of the control of the public purse in a unique and special way, as it was articulated as a way to protect the judges from the arms of a mean king who would chop their salaries at a moment's notice or give them no salaries.

Will the referring of these bills to the National Finance Committee be a practice? If it were Senator Day's idea, I would like to commend it.

Senator Day: I thank Senator Cools for her question.

The observations are the observations of our committee, and I felt it important for me to comment on them. Although I endorse and support these observations, I do not take full and exclusive ownership to them. It was the unanimous view of our committee that these observations should be attached to the report.

Second, as to the practice of sending a bill such as the judges' compensation legislation to the National Finance Committee, it seemed to me to be a logical place to deal with it, or a logical action by our leadership to take to send it to our committee. We deal with these kinds of matters. The honourable senator's question is better answered by the leadership on both sides.

However, and on the Order Paper at the present time is the sixth report of the National Finance Committee, dealing with provisions to safeguard the independence of the judiciary and the determination of judicial compensation and benefits. The committee studied these issues this fall. The report is dated November of this year. The Honourable Senator Cools was one of the senators on our committee urging that we complete that study, and we have in fact completed it. It provided us with the groundwork and the background to deal expeditiously with Bill C-17.

Hon. Lorna Milne: Honourable senators, when I heard Senator Goldstein and Senator Day speak, frankly I could not for the life of me imagine what pesticides have to do with judges' salaries. In the honourable senator's opinion, is the tacking on of all these unrelated matters a continuation of the present efforts to Americanize our parliamentary system?

Senator Day: I thank Senator Milne for the question. Some may say it is a bit of a reach to make that connection. Clause 25 of the bill deals with the Pesticide Residue Compensation Act and states that:

Subsection 14(1) of the *Pesticide Residue Compensation Act* is replaced by the following:

14. (1) The Governor in Council may, from among the judges of the Federal Court and the judges of the superior, district or county courts of the provinces,

appoint an Assessor and the number of Deputy Assessors that the Governor in Council considers necessary to hear and determine appeals from compensation awards made under this Act or under any other Act to which this Part is made applicable and, subject to this Act, may prescribe their jurisdiction.

• (1620)

We can see how it might be very —

Senator Oliver: Not much of a reach at all.

Senator Day: Broadly speaking, it may fit under the umbrella of compensation. I am sure honourable senators understand why we placed the observation when we reported it back. I thank the honourable senator for that question.

Hon. Lowell Murray: If I may follow up on Senator Milne's point. This morning, at the National Finance Committee, Senator Fox taxed the minister with this issue. The minister was mystified as to why these provisions were in this bill, and he asked for help from the senior officials beside him. The committee was then told that there is a reason why these other matters could not be contained in an amendment to the miscellaneous statutes bill. The official said that there were so few occasions when judicial matters are before Parliament that they liked to take advantage of the occasions that arise every three or four years to tidy up other matters.

In the polite way of civil servants, she reminded us that this practice has been going on for generations, government after government, Parliament after Parliament. However, that in no way diminishes the weight we should attach to observations made by the committee.

The purpose of my rising is to say this: From listening to the debate, it could be inferred that some honourable senators think that what we are doing is offensive to the Constitution, or to constitutional principles. Avid readers of Senate debates who take the same inference as me should read the testimony before the National Finance Committee this morning; in particular, the testimony of the Minister of Justice. As the minister, Senator Cools, and others have acknowledged, what we are doing is pursuant to our authority under the Constitution Act, 1867 to establish compensation for judges within the jurisdiction of Parliament.

Mr. Toews stated that the constitutional background does not stop with the Constitution Act, 1867. If I understood him correctly, he referred to the judgment of the Supreme Court of Canada, the Prince Edward Island reference, and a subsequent case which I cannot remember. He said that the judgments, the creation of the commission and its report form part of the constitutional context in which we are acting.

The judgment of the Supreme Court may be flawed, as Senator Grafstein is suggesting. I defer to him. However, it is still their judgment. The minister was explicit, clear and interesting, saying that we must take the constitutional context as a whole, not just Section 100 of the Constitution Act, 1867. I do not think we can treat these other elements as irrelevant or offensive to our Constitution or constitutional principles.

I thought his testimony was interesting, at least to this layman.

Senator Cools: I thank the honourable senator for his statement. I have studied this subject. I was excited that Senator Day and the National Finance Committee had received the bill for study. It put on the table the Consolidated Revenue Fund, the phenomenon of charges under the annual estimates, or by statute, and the critical element of the entry of these sections into the BNA Act.

It was around 1840, after Lord Durham visited Canada to look into the troubles in Canada, that the notion of judges' salaries being charged to the Consolidated Revenue Fund arose. I am not sure if Sir John A. Macdonald scripted those sections of the BNA Act himself. He scripted 44 of the original 72 motions. Section 100 says that the salaries of judges shall be fixed and provided by the Parliament of Canada. This closely followed the words "ascertained" and "established" from the act of settlement or bill of rights, 1689.

I have no doubt, honourable senators, that we must look at the constitutional context and development of case law and jurisprudence. The jurisprudence and judgments cannot amend the BNA Act. That is what the language is trying to say.

The dissenting opinion of Mr. Justice LaForest, to which Senators Murray and Grafstein refer, is the better-reasoned. Senator Grafstein has pointed out that the case law has taken a different turn and moved away somewhat.

I thank Senator Day for mentioning that I suggested bringing those witnesses before the committee. The financial interests and concerns respecting proper treatment of judges' remuneration is an important constitutional concept. It is critical and pivotal to the proper administration of justice. I am pleased that this house is looking at those issues for what they are rather than for what they may be pretending to be.

I attended that particular committee meeting. There was a sense that senators would like to learn more. It has been put before them as something so cryptic, arcane and legal that it was not for their eyes, ears or minds. It is to the extent that these constitutional sections of the British North America Act have their development in the power and strength of Parliament to represent the public, to authorize the collection of tax dollars, to oversee the expenditure of those dollars and to put the judges in a unique position — a place apart, beyond the hands of the king or the king's advisors in today's community.

• (1630)

To truly understand, master and put those concepts into debate would be performing a wonderful service for this house. We are in an era of great intellectual confusion, but this house is the honourable court of Parliament whose members have a duty to ensure that justice is well done. This place has a responsibility to oversee the spending of money and the administration of justice in this country. There is nothing more important than the business of the choice and remuneration of those individuals whom the public face as the arbiters of justice, namely judges. I am excited by this new development, although it might be small and only a mirage; I do not know. I thank the Honourable Senator Day for that.

Senator Murray: Honourable senators, I want to say that I am glad that I had not misunderstood my honourable friend's earlier intervention: far from it. She has reinforced my impression with that comment. It is all the more reason why people could read with profit the evidence of this morning's meeting of the Standing Senate Committee on National Finance. Among other things, Minister Toews, when speaking to the response by the government to the commission's report, attempted successfully, I believe, to place that response within the four corners of the Supreme Court judgment, which stated that the government must have a rationale for changing recommendations of the commission. I thought he did that very well. Other honourable senators, such as Senator Mitchell, took the position that a government must have grave and serious reasons for changing such a recommendation. It was my view that it would be sufficient for the government to make a plausible case. However, should honourable senators read the minister's testimony, they would find it most interesting.

Hon. Serge Joyal: My question is for Senator Murray. Following the observations appended to the ninth report of the Finance Committee tabled in the house earlier today, did the committee consider the option of splitting the bill? There is such a precedent and the Department of Justice is well aware of it. The Senate split former Bill C-10, in respect of the gun registry and cruelty to animals, into Bill C-10A, which passed quickly, and Bill C-10B, which was referred to the Standing Senate Committee on Legal and Constitutional Affairs. Did the committee consider the option of reporting favourably on Bill C-17, to amend the Judges Act in respect of salary, and reserving the other part of the bill which has nothing to do with the Judges Act, for a different bill?

Senator Murray: Honourable senators, there was no discussion of that in my presence. However, I must confess that I left the meeting a bit early.

The Hon. the Speaker: Honourable Senator Murray's time has expired. Is he asking for leave to continue?

Some Hon. Senators: Five minutes.

Senator Grafstein: I noticed that all senators were a little queasy about listening to discussion on this rather sloppy bill, having equity for the judges in mind. My question to Senator Murray or to Senator Day is: Was there an undertaking by Minister Toews that he would follow up? The report states:

Your committee therefore urges the Department of Justice to review its practices in an effort to find a separate process by which these issues can be dealt with.

"These issues" are those that are extraneous to compensation for judges.

The report continues:

Your committee looks forward to receiving follow-up from the Department of Justice on this matter.

Is there an undertaking from the department to follow up and to provide a separate process to deal with these issues in the future? As Senator Murray said, this is a sloppy practice that has been going on for some time. We have raised it a number of times

but our objections have been shunted aside. Honourable senators are feeling uneasy about considering a bill in respect of judges that has nothing to do with being fair and equitable to judges, when it should be just that. The rest of the process, dealing with the Ministry of Justice, presents the house with something that is very unpalatable.

Senator Murray: Senator Fox, who was the witness's chief tormentor on this issue, indicated his displeasure and told the minister that the matter should change. I would defer to Senator Day, Chairman of the National Finance Committee, as to whether an explicit undertaking was received from departmental officials or from the minister that the Department of Justice would get back to us on this matter.

Hon. Mobina S.B. Jaffer: I move adjournment of the debate.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Jaffer, seconded by the Honourable Senator Hervieux-Payette, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Cools: It was my understanding earlier, honourable senators, that the house might adjourn soon. I do not know whether Senator Jaffer was aware of that. I was under the impression that everything was being sped up because we were trying to adjourn momentarily.

Some Hon. Senators: No.

Senator Cools: Is that not the case?

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Jaffer, debate adjourned.

SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE BILL, 2006

SECOND READING—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Keon, for the second reading of Bill C-24, to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence.

Hon. Grant Mitchell: Honourable senators, it is my pleasure to rise today to respond to my colleague on the government side with regard to the important matter of the proposed softwood lumber legislation, although I am far less enamoured with the bill than he is. This bill proposes to implement the softwood lumber

agreement, which will have far-reaching consequences for hundreds of communities across several regions of Canada. It will have an impact not only on the industry, its workers and their families, but also on future trade disputes and on the rules-based resolution mechanisms upon which we, as a trading nation, rely.

• (1640)

My honourable colleague on the other side made the case that the agreement signed by the current government will provide much needed stability to the lumber industry, and he suggests that the alternative would have been ongoing litigation. He referred to it as "a lasting solution." This remains to be seen.

I have some serious concerns about this bill, about the process used by the government and about the long-term implications of this negotiated agreement.

[Translation]

I have already indicated in the House the need for Canada to push for an international trade system governed by rules. Our country depends heavily on trade. Our industries can withstand competition from the best in the world as long as the rules of the game are fair.

[English]

Bill C-24 is based on an agreement that was reached outside the framework of NAFTA and, in some ways, in spite of it. While I would be first to argue that negotiated settlements are a legitimate way to resolve bilateral trade disputes, this cannot be used as a means for a stronger nation to circumvent the trade dispute mechanisms in order to force a capitulation from a trading partner. I must say, particularly a trading partner as important to them as Canada is to the United States. I would venture that this is exactly what has happened here.

Senator Mercer: Disgraceful.

Senator Mitchell: My colleague says "disgraceful" and I would agree.

Canada's position was consistently upheld in legal battles before international tribunals of the WTO and NAFTA, and in domestic courts. In fact, on the key question of whether Canadian softwood lumber is subsidized, on March 17 of this year a NAFTA panel ruled yet again in Canada's favour.

Senator Mercer: How many times is that?

Senator Mitchell: It is many times.

The United States had 40 days to challenge this ruling, and it is interesting to note that the basic terms of the softwood lumber agreement were reached on the deadline for this challenge — April 27. Yet, the United States has proceeded with the appeal and the Canadian government has actually assisted them by agreeing to an indefinite suspension of the expiry for the American challenge, even though the testimony of international trade lawyers suggests that Canada would have won on the merits of the legal argument, yet again.

In fact, on October 13, the day after the coming into force of this agreement, the U.S. Court of International Trade upheld the NAFTA panel decision that said Canada was entitled to a full refund of duty deposits. However, the Canadian government actually joined with the American government to nullify that decision and to cost Canada, Canadians and the Canadian industry \$1 billion.

Senator Mercer: Whose side are they on?

Senator Mitchell: It is the new government doing government in a new and different way. We do not need too much of that.

In his testimony during the prestudy of this bill by the Standing Senate Committee on Foreign Affairs and International Trade, Carl Grenier, Executive Vice-President of the Free Trade Lumber Council, had this to say about this process:

...rule of law was to be replaced by negotiation, cash was to be paid to resolve trade disputes, and illegal trade restrictions, such as quotas forbidden under the WTO rules, were to replace free trade. Both governments rode roughshod over the very concept of relying on the rule of law to resolve trade disputes between the two countries.

Even more disconcerting is the potential impact this will have on NAFTA, in particular, the credibility of the bi-national panel resolution dispute mechanisms contained in Chapter 19. What incentive is there in the future for American companies to use this mechanism when it has been proven that they can achieve more through the political route? This has the potential to set a negative precedent for other industry sectors trading with the United States, which begs the question: Why would the Conservative government settle with the Americans just as they were winning the battle? It is an interesting question.

Senator Rompkey: Snatching defeat from the jaws of victory.

Senator Mitchell: I thank my colleague from Newfoundland and Labrador for that comment. They see the situation clearly there.

It is even more surprising when you consider that the Conservatives promised during the last election — and this is yet another betrayal of the Canadian people on another election promise:

A Conservative government will demand that the United States government play by the rules on softwood lumber.

I would sure hate to see what would have happened if they had not demanded.

The U.S. must abide by the NAFTA ruling on softwood lumber, repeal the Byrd amendment and return the more than \$5 billion in illegal softwood lumber tariffs to Canadian producers.

None of that happened. Of course, this is not the only page out of that platform that has found its way to the garbage bin since the election.

[Senator Mitchell]

Honourable senators, if it were not so late, I would spend a great deal of time listing the other very clearly stated promises that they have reneged on.

Perhaps if the negotiated agreement were advantageous to Canada the government reversal of its campaign platform would be understandable. However, on the key issue in the platform, the return of illegal duties levied on the Canadian industry, the government has capitulated and left \$1 billion on the table — and that is not a Canadian table, that is an American table. That is \$1 billion of Canadian money given to the Americans.

Senator Mercer: Disgraceful.

Senator Mitchell: Yes, disgraceful.

Under Chapter 19, U.S. industry would have been required to refund 100 per cent of the duty deposits to the Canadian industry. However, under the softwood lumber agreement, \$500 million is left in the hands of the American government and another \$500 million will be left to the American lumber coalition which they can use to continue to fund their political and legal attacks on the Canadian industry.

Senator Mercer: We are buying the bullets for our opponent's gun.

Senator Mitchell: And pulling the trigger.

The agreement also includes export taxes and quotas. In fact, at current prices, the export tax under Option A is higher than the current U.S. duties. The industry has seen only a shift from seeing its money go to American revenues to now going to Canadian governments. The result is that Canadian value-added industry is discouraged in favour of export of raw logs to be processed in U.S. mills. The value-added industry goes to the United States.

Some Canadian companies will be inclined to invest their duty refunds by purchasing American mills rather than have their money reinvested in the Canadian communities most affected. In fact, that is already occurring. Jobs are being exported to the United States as we speak because of this agreement.

Also of concern to me is the lack of flexibility in this agreement. The anti-surge protections which force companies to pay in the case that export volumes reach a certain trigger point, limit the ability of producers to deal with unexpected circumstances, such as the pine beetle infestation which is now spreading into my province of Alberta. It is also very difficult for individual producers to predict and plan against these surges in a multi-player market. They do not know how much everybody else is producing.

This agreement is extremely complex and there are numerous sections open to interpretation. Given the history of American compliance with international tribunals, what assurance does Canada have under this agreement that, just because they have set up another tribunal, it will be honoured by the Americans?

The agreement does not refer disputes to Chapter 19 of the NAFTA resolution mechanisms but rather to an arbitration tribunal in London. If the rationale for this agreement is that it will establish a period of peace and stability for the industry, how can we be certain that we are not simply moving legal challenges

from NAFTA to this new tribunal? In fact, if experience is any indicator, this is exactly what will happen. Similarly, the government has indicated that this agreement will put an end to the constant litigation and provide the stability necessary for new investment and for the sawmill workers. While it is the case that the term of agreement is seven years, with a possible extension to nine years, including a 12-month period after termination when no trade action can be taken, there is little guarantee that the agreement will last this long. The agreement allows for termination on six months' notice after as little as 18 months. That means that we may have given away \$1 billion and jeopardized NAFTA for an agreement that may last as little as two years. I hope that this is not the case, but it is a serious potential problem, and the government has not given us any comfort that it will not be realized.

• (1650)

It is interesting to note that the previous government rejected a deal that was quite a bit better than this one because it included a monetary reward to American industry with a quick exit clause similar to this one.

Not only has the current government proceeded with a flawed agreement, but also it has bullied Canadian industry into accepting it. The Conservative government showed once again its propensity to act with a heavy hand. Unions, small and medium-sized companies and other key stakeholders were either not consulted or given only cursory opportunities to be heard. The government imposed on those companies who did not accept the agreement, a punitive 19 per cent levy on all refunded deposits and they took away loan guarantees. The government did not consult with trade associations, which included most of the smaller companies, before negotiating the agreement and then they threatened to abandon the industry if they did not accept it.

I am only that much more thankful that I did not vote for the Conservatives. Compare that with the Liberal plan, which includes support to workers, employees and families as well as the following: \$200 million over two years to enhance competitiveness of the industry and environmental performance; \$40 million over two years for a national forest innovation system; \$30 million over two years for competitiveness of the work force including skills upgrading and assistance to older workers; \$100 million over two years for economic diversification and capacity building in effective communities; \$30 million over two years in new market development for wood products; and \$200 million to fight the pine beetle. All of that is gone.

In addition, Liberal members of the committee in the other place successfully supported vital amendments to this bill that allowed for an exception from the application of the export charge for Atlantic provinces and the Northern Territories as well as protection for lumber remanufacturers, which I know were of concern to some of my honourable colleagues.

I have serious concerns about the way in which the government proceeded. There are a number of significant and important issues that have not been handled properly in this agreement; \$1 billion has been left on an American table. That is our money. They took it and they are not giving it back. This initiative creates a dangerous precedent that could impact very unfavourably on NAFTA by encouraging stakeholders in the United States simply to circumvent NAFTA through political means over and over again.

Finally, among many other important issues, a third issue I want to emphasize is that this program will result in the export of value-added jobs to the United States; they will not stay in Canada. There are many groups who want to be heard. There is a strong argument to be made for this Senate taking the time to properly hear many of those groups. The United Steelworkers, who represent the biggest bulk of workers, are very concerned about its impact. The Canadian Lumber Remanufacturers Association wants to have a chance to state how significant the quotas can be and how damaging it is to their industry. They have a right to be heard.

This government, in fact, rushed this agreement through. It did not do it because it wanted a good agreement; it did it to give a facade that they have made some sort of significant decisive step. Honourable senators, it is far from a definitive step. It is, if we were to use another word beginning with d, a dangerous step.

I question the political motivation of the Conservative Party to abandon litigation and rush through an agreement when we were having success, not only in international tribunals, but for the first time in American domestic court. This, after the party campaigned on pursuing litigation and free trade.

The cost of this agreement is high. I expect that the cost of this agreement will be far too high.

Hon. Hugh Segal: Would Senator Mitchell take a question?

Senator Mitchell: Certainly.

Senator Segal: Senator Mitchell was good enough to make reference to various victorious litigations which have gone on and which were pending and which took place subsequent to. Is he of the view that an endless process of litigation, which had gone on for many years and had every prospect of going on for many more, would have been better than returning 80 per cent of the \$5 billion to the Canadian operators, companies and workers? Is he of the view that letting the situation stay in that context for many years to come would have been better public policy?

Senator Mitchell: Yes, far better than capitulation.

Hon. Terry M. Mercer: This would be funny if it were not so serious. The honourable senator tells us there is \$1 billion left on the table in Washington. The money can be spent to hire more lawyers for more challenges in the courts. He talked about the value-added jobs going south. I am told by my friends in British Columbia that you can see truckload after truckload of logs heading south. Those are jobs that are heading south; those are not just logs.

In your research, Senator Mitchell, were you able to determine how many jobs have been lost in Canada already because of this agreement? Do you have a number we can wrap our hands around?

Senator Mitchell: I do not have a precise number, honourable senator, but thank you for the question. One would expect that the government who made this decision would have done some analysis to determine how many jobs or what the effect on the jobs would be. One would expect that, but when you see the kind

of analysis they did on the Kyoto Protocol programs that we had — none — before they cancelled them, I would not hold my breath to get that kind of analysis.

Senator Mercer: Let me get this straight. Logging companies are closing all across the country, from Quebec westward, and a fair amount of that is a spin-off of this so-called deal. It is amazing that this government would actually put this before us and try to convince the Canadian people that this is a good deal. My contention is if there is one Canadian dollar left on the table and one Canadian job lost, this is not a good deal and the government should be going back to the table and telling their friends in Washington that this is not going to wash up here.

Senator Segal: All or not.

Senator Campbell: That is how you play. You win or you lose.

Senator Stratton: I thought your premier was in favour of this.

Hon. Pierrette Ringuette: Most of my colleagues know how I feel about this deal. Most of my colleagues also know that last week in this house we adopted a motion that this chamber would be requesting from the government, on any government bill, a study in regards to regional impact. My question to you is: When the government tabled this bill in this chamber, was it accompanied by a regional, economic impact study?

Senator Mitchell: No, it was not. It was accompanied, to the best of my knowledge, with absolutely no analysis of the economic impact of this particular agreement. It needs to be done.

Senator Ringuette: As critic of the bill, if it ever goes to committee, will you be requesting a regional impact study regarding this bill?

Senator Mitchell: That is an excellent idea and would be something that I would discuss with the committee. We could bring in witnesses who would bring in expertise and background and they could be part of the committee's study. That is an excellent idea.

Senator Ringuette: Another issue that was not part of your speech, but I think it is very important is the question of Canadian sovereignty. This concerns the fact that this deal requests that provincial governments will have to put forth to Washington for any approval, Washington's approval, on their forestry practice. Will the U.S. critic be looking into that sovereignty issue?

Senator Mitchell: Thank you for raising that issue, and we will be looking at it.

• (1700)

Senator Ringuette: Honourable senators, I have one last question. I am sure I will have more eventually, but I want to give my colleagues the opportunity to put forth their questions.

Of the \$1 billion of Canadian money that will be left in Washington with this bill, half of that money will be going to American forestry producers to seek new markets for their products. This is also a very important question if we want to at

least try to keep a certain competitiveness: How much will the Canadian government supply to the Canadian producer to seek new markets in other countries that are certainly in need of our good Canadian products?

Senator Mitchell: I think you will find that the Canadian government will not be able to assist our industry in any way. It would be interesting to hear the government side clarify this point, but I expect that the reason the loan guarantees and the support programs that the Liberals initiated have been cancelled is that there are some restrictions under this agreement about such Canadian government initiatives being seen by the Americans to be unfair competitive support for the Canadian industry.

While we have handed them \$500 million to help their industry, and they can freely use it to support their markets and promote their business, at the same time we cannot utilize programs — probably, I am speculating; we would have to ask about that — that would assist our industry in exactly the same way.

It is almost incomprehensible that a government would have negotiated — and I use the word “negotiated” relatively loosely — a program with these kinds of holes running through it.

Debate suspended.

[Translation]

The Hon. the Speaker: Honourable senators, it being 5:05 p.m., is it your pleasure that the Senate do now adjourn during pleasure to await the arrival of Her Excellency the Governor General?

Hon. Senators: Agreed.

The Senate adjourned during pleasure.

• (1720)

ROYAL ASSENT

Her Excellency the Governor General of Canada having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, Her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts (Bill C-5, *Chapter 5, 2006*)

An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (Bill S-5, *Chapter 8, 2006*)

An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability (Bill C-2, *Chapter 9, 2006*)

An Act to provide for jurisdiction over education on First Nation lands in British Columbia (Bill C-34, *Chapter 10, 2006*)

The Honourable Peter Milliken, Speaker of the House of Commons, then addressed her Excellency the Governor General as follows:

May it please Your Excellency.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to your Excellency the following bills:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (Bill C-38, *Chapter 6, 2006*)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (Bill C-39, *Chapter 7, 2006*)

To which bills I humbly request Your Excellency's assent.

Her Excellency the Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

Her Excellency the Governor General was pleased to retire.

• (1730)

The sitting was resumed.

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, given the time, and given the fact that Her Excellency the Governor General is waiting for us at the other place, I move that we see the clock as 6 p.m. and, accordingly, suspend the sitting until 8 p.m.

[English]

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: We stand adjourned until 8 p.m.

The Senate adjourned during pleasure.

• (2000)

INFORMATION COMMISSIONER

APPOINTMENT OF ROBERT MARLEAU— CONSIDERATION IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to receive Mr. Robert Marleau respecting his appointment as Information Commissioner.

The Senate was accordingly adjourned during pleasure and put into Committee of the Whole in order to receive Mr. Robert Marleau on the matter of his appointment as Information Commissioner, the Honourable Rose-Marie Losier-Cool in the chair.

[Translation]

The Chairman: Before we begin, may I bring your attention to rule 83 of the Rules of the Senate, which states:

83. When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it your pleasure, honourable senators, that rule 83 be waived?

Hon. Senators: Agreed.

Senator Comeau: Honourable senators, I move, seconded by the Honourable Senator Di Nino, that Mr. Robert Marleau be invited to take a seat in the Senate Chamber.

The Chairman: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Chairman: Mr. Marleau, on behalf of all the honourable senators, I welcome you to the Senate. You have been invited here to answer questions regarding your nomination as Information Commissioner.

We will begin with your opening statement. After that, I will open the floor for questions from senators.

[English]

Mr. Marleau, you may begin with a brief statement.

Robert Marleau: Honourable senators, the last time I had the privilege of being on the floor of the Senate chamber was in November of 2003, as the outgoing interim Privacy Commissioner. You had done me the honour of having me appear before you during the confirmation hearing for my successor, Jennifer Stoddart, who is the current Privacy Commissioner. I certainly did not anticipate then that I would be here before you again today in a much different capacity. It is yet again very much an honour and a privilege to be here to answer your questions on my nomination as Information Commissioner.

[Translation]

I have prepared a brief opening statement. I will spare you the biographical and career development details because I know honourable senators have received copies of my CV in both official languages.

I would like to begin by listing the reasons why I agreed to be considered for the position of Information Commissioner of Canada.

I will not hide the fact that I am not an access to information expert. This very important position is inextricably linked to the foundations of modern Canadian democracy. The Information Commissioner is first and foremost an agent of Parliament, and that is what interests me.

[English]

Agents of Parliament are an extension of Parliament itself. They are given a special trust to oversee government and to report back to Parliament with findings and recommendations. As a former officer of Parliament, I was frequently in contact and interacted with many of the agents of Parliament. As a young committee clerk, I watched the former Commissioner of Official Languages, Keith Spicer, defend his estimates before my committee. Keith Spicer set the bar so high on quality reports to Parliament that I do not believe it has been reached again by any agent of Parliament since his tenure.

In the 1973 minority Parliament, as clerk of the special committees on electoral expenses, I worked side by side with for Chief Electoral Officer Jean-Marc Hamel on ground-breaking legislation. Mr. Hamel, in my view, set the standard of ethical conduct for parliamentary agents and had a profound influence on my own comportment and career.

Later, as Clerk of the House, I served on the executive of the Association of Heads of Small Agencies and, with John Grace, a former Information Commissioner, I worked to advance the understanding of the principles of independence and autonomy of agents of Parliament, in particular within the central agencies of government.

[Translation]

In 2003, I interrupted my retirement briefly in order to accept the position of acting Privacy Commissioner of Canada, following the resignation of George Radwanski. In cooperation with the Auditor General, the Public Service Commission and the House of Commons Standing Committee on Government Operations, I worked very hard to restore the faith of Canadians and of Parliament in the Office of the Privacy Commissioner. During my short time with that agency, I believe I not only achieved the objectives set for the revitalization of the Office, but also worked on some of the major files concerning privacy, such as the national ID card initiative and the issue of surveillance cameras in public places.

[English]

More recently, on behalf of the Treasury Board, I was the architect of a pilot project for an alternative process of financing of the big five agents of Parliament. I negotiated a framework

agreement with the Treasury Board Secretariat, the Chief Electoral Officer, the Auditor General, the Information Commissioner, the Language Commissioner and the Privacy Commissioner. That pilot project is now in its second year cycle and, it is hoped, will lead to a more permanent process that will have parliamentarians continue to play an active role in the analysis of the financing of these agents of Parliament.

In retirement, I have served on the panel of external advisers to the Auditor General and on the external audit committee of the president of the Public Service Commission. On the international side, I am the volunteer chair of the board of directors of the Parliamentary Centre of Canada, an NGO that fosters democratic and parliamentary development in failed states and developing countries.

In a recent speech I gave to the Public Service Commission Annual Employee Forum, I addressed the role of parliamentary agents in the accountability loop of our style of parliamentary government. I reminded them that, in order to preserve and maintain their statutory independence, their first allegiance must be to Parliament, their second allegiance must be to Parliament and their third allegiance must be to Parliament. I also underlined that while the Canadian Parliament had indeed recently re-affirmed the Public Service Commission mandate to guarantee a non-partisan, competent public service recruited on the basis of merit, they should not forget that they are themselves accountable to Parliament, not only for the outcomes of their work but also for their ethical conduct and the stewardship of the monies voted to them. When Parliament grants an agent of Parliament a trust on behalf of all Canadians, the very least Parliament deserves to receive in return is leadership that it can trust.

[Translation]

When I left the public service after 32 years of service, I truly believed that I was leaving the government for good. When I was offered the position as Information Commissioner, I was asked to think carefully about it, rather than to simply refuse right away.

Some of you may be wondering why I would choose to give up the tranquility and comfort afforded by my active retirement, close to my wife and family. I also asked myself that very question. After discussing it with my wife, we concluded that it was quite simply the right thing to do.

• (2010)

Here is what I have to offer: parliamentary experience, expertise in processes and procedures and solid management capability. I freely admit that I am opposed to the status quo when it comes to management. If I am appointed to this position, one of my priorities will be to evaluate the structure and management practices of the Office of the Information Commissioner to ensure that Canadians and Parliament receive the best possible service.

[English]

As an ombudsman and mediator, I am primarily an optimist. I usually see the glass as half full rather than half empty. My style is to find common ground and work on agreement from there. I can tell you that I have and will have a bias against going to court. It usually costs the taxpayer a lot of money and the outcomes are typically unpredictable. The former commissioner

[Mr. Marleau]

stated last fall before a committee of the other place that the Information Commission barely sees 10 per cent of access requests through the complaints process. That leads me to think that the system is not that badly broken if somehow 90 per cent of requests are not subject to complaints.

The Information Commissioner must fiercely protect his or her independence from government but, at the same time, he or she can only be effective in the role if a civil and substantive dialogue is sustained with the agencies and departments he or she oversees. Nevertheless, Canadians have rights under the ATIA and they deserve the best service the commission can deliver with the resources granted by Parliament. Despite my reluctance to go to court, when citizens' fundamental rights are at risk and mediation has failed, the commissioner has no choice but to aggressively pursue the matter before the appropriate tribunal, including the Supreme Court of Canada.

[Translation]

My position is that calling for greater transparency and accountability is an intrinsic part of the Commissioner's role. This was unanimously recognized during the debate at second reading on the original bill in 1981. Unfortunately, all the previous commissioners expressed frustration with the fact that successive governments merely conducted studies and consultations instead of making substantive amendments to the 1983 act. I may be overly optimistic to expect that, during my mandate, considered reform will be made to the Access to Information Act to strengthen its provisions and increase its repercussions. If I am confirmed in the position, I will focus my efforts primarily on reforming this act.

[English]

The commissioner, however, is not the legislator and at the end of the day, despite the commissioner's best advice, it is Parliament in its wisdom that will determine what kind of access to information regime Canadians will enjoy. The Information Commissioner remains a servant of Parliament and through legislation he or she is an extension of Parliament's authority. I believe that Parliament has to be and has to be seen as the first champion of access to information.

Honourable senators, may I humbly suggest that you simply cannot delegate that responsibility to one individual and expect the government of the day to straight away lose its innate reflex to resist transparency. You must stay ever attentive, react to the commissioner's recommendations, and keep the pressure on governments to be even more transparent.

With your support, I believe I can advance the cause of open government by tenacious, focused and timely interventions. I believe that as interim Privacy Commissioner I demonstrated my capacity to be an effective and balanced advocate. I am confident that I can do that again in this new role.

I also believe that during my career in the service of both the Senate and House of Commons for over 32 years I have amply demonstrated my ability to be independent of government and to be seen as such in the performance of my duties.

[Translation]

Honourable senators, it is an honour for me to be appointed to this position, and the honour will be even greater if my appointment is confirmed by both houses of Parliament.

Thank you, Madam Chair. My fate is in your hands.

[English]

The Chairman: Thank you. Honourable senators, I will now open a list for questioning. The first senator on my list is Senator Kinsella.

[Translation]

Senator Kinsella: First I want to thank Mr. Marleau for agreeing to be a candidate for this position that is so important to Canadian democracy and our system of governance.

[English]

Obviously, honourable senators, having before us an honorary officer of the House of Commons, I think that it is only appropriate that as Speaker of this house, who from time to time has been required to refer to a significant procedural piece of literature of which the candidate is one of the authors, that I might begin the questioning.

I would like to begin this way, honourable senators. Mr. Marleau, we know what the legislation is, but as a public administration manager now, how would you visualize in a general way the kind of mission statement that you would develop as the Information Commissioner?

Mr. Marleau: Thank you, Madam Chair, and through you, to the Speaker of the Senate, I would say that I have outlined in my remarks the mission statement that I think is required by the legislation and by the performance of previous commissioners. It is twofold. The first is sound administration. I learned that boldly in my short term in the Privacy Commission. The other is advocacy and although the issue is personal in style for every commissioner, it must be balanced. It is not just advocating open government; it is advocating open government on behalf of Parliament. Without the support of Parliament behind that advocacy, one might as well go on *Speaker's Corner* and make a speech — it will have about the same effect. Parliamentarians may differ among themselves, but if you are speaking with the authority of Parliament, it makes a big difference. It is a twofold mission: advocacy and sound management.

Senator Kinsella: Madam Chair, my second question moves from the mission statement to the strategic plan.

Within the context of your reflections on your strategic plans, what would be, during the next fiscal year, some of the strategic objectives and some of the organizational imperatives, from a public administration standpoint, that you would want to underscore with honourable senators?

Mr. Marleau: In terms of the larger issue of access to information, the stage is somewhat set. The Minister of Justice has tabled a discussion paper, which follows a proposed revised statute that the previous Privacy Commissioner tabled in

committee. The committee in the other place has filed a report with the House requesting the government to bring forward a bill based thereon by Friday of this week.

To a large degree, the positions, if I can put it that way, have been established. My approach to this in terms of strategic intervention would be to find the common ground between the government's white paper and the commission's proposed amendments to the act. My approach would be to get that common ground off the table, where we can agree in terms of advancing the cause of open government, work on the differences and go forward from there.

To a large degree, much of the work was completed before I arrived, and we may be on the cusp. As I said in my opening remarks, I may be overly optimistic that somehow during my term there would be a significant review of the act. The conditions are there, and I hope to be the catalyst to bring the two parties together.

• (2020)

I have no qualms about talking to the Minister of Justice. I do not see that as a loss of independence. You do need the dialogue. It is one thing to be a watchdog and then bite; it is another thing to be a watchdog and bark, but you wag your tail once in a while in approval.

Senator Kinsella: Moving from mission statement to a strategic plan brings me, as an old public administrator, to the budget. Have you had an opportunity to look at the budget proposal for the Office of the Information Commissioner for fiscal year 2007-08? Do you have any comments to make to honourable senators about the adequacy and appropriateness of the budget that is anticipated for the Office of the Information Commissioner, if you were to be endorsed for this position? Is the budget-planning process that is under way adequate, based on the information that you have, or are there certain irritants there that you would like to share with us?

Mr. Marleau: I believe commissioners before me have, in every report, complained of chronic underfunding. However, in the 2006-07 cycle, because of the framework, I believe, for review of financing of the parliamentary agents, there has been a bit of a breakthrough. Reading the estimates documents and the evidence given by the deputy commissioner before the committee of the other House, there has been a 47 per cent increase in the budget. They have not been able to spend it all yet because of ramping up staffing and investigators, and that takes time; as well, there is a need for space. I am getting all of this from the evidence; I have had no particular briefing.

The increase in funding is to deal with the backlog of investigations, which just kept growing at 2 per cent a year. I believe that, at least as a first pass, this breakthrough will go a long way to solving some of the complaints that the former commissioners have had. How efficiently that money can be used will be my focus.

Senator Milne: Our Standing Senate Committee on Legal and Constitutional Affairs recently had the opportunity to hear from the Office of the Information Commissioner on a couple of occasions in regard to Bill C-2, the so-called federal

accountability act. During the examination of this bill in the Senate, I proposed a number of amendments in committee to that bill that were supported by the Office of the Information Commissioner. Among them, I presented an amendment for consideration that would limit the secrecy exemptions that Bill C-2, now that it is an act, gives to the Auditor General and the Commissioner of Official Languages regarding access to information requests.

Do you feel that each officer of Parliament should be treated equally under the Access to Information Act?

Mr. Marleau: I read the evidence given before your Standing Senate Committee on Legal and Constitutional Affairs. I must say that I am not as well versed as you may be on Bill C-2.

On the face of it, I see no reason for a different treatment of one parliamentary agent as opposed to another. Most of them have investigations of some kind, audits and audit papers which are in process. The current exemptions in the statute are quite adequate, in my view. However, I have some difficulty with the concept of differentiating between the Chief Electoral Officer and the Commissioner of Lobbying, for instance. As agents of Parliament, if you will be the first advocate of open government, then all agents of Parliament should be on the same standing in terms of how they are accessed.

Senator Milne: My second question is about the Gomery inquiry and the Auditor General. In his report, Justice Gomery rejected the argument that audit working papers should be kept secret forever. The Auditor General contends that this would result in a dampening effect — I believe those were the words she used — on their ability to perform an audit. Meanwhile, the Office of the Information Commissioner stated publicly that audit working papers have been subject to access to information requests since 1983, and they were subject to all of the exemptions in that act. That arises out of your last answer. Can you tell me what your view is on the issue of disclosure of related audit working papers on the part of the Auditor General?

Mr. Marleau: Honourable senators, I have not had the opportunity to read the evidence given by the Auditor General on Bill C-2, so I hesitate to comment without having both sides of the story. I believe I read a report where she used the term "a chilling effect." There are issues as in investigations, I am sure, parallel to audit where making documentation public before there is an outcome of that activity could be damaging to the audit. An auditor could be just reflecting on a course of action and that reflection might not necessarily be there in the final audit.

I believe the current exemptions of the act cover that situation. The Auditor General may become more explicit somehow. There was also a time factor as to when such papers would become accessible. Fifteen years is far too long; five years may be too long, too. The closer we get to when the audit is finished, the better.

Senator Milne: You do realize that the current or the past provisions in the act changed this afternoon on Royal Assent of the new bill?

Mr. Marleau: I am quite aware of that.

Senator Milne: Mr. Marleau, most jurisdictions in Canada have an access to information provision that provides an authorization for disclosure where a clear, overriding public interest exists to have the information released. Do you feel that the inclusion of such a provision would be beneficial to the operation of this Access to Information Act as it exists today? That is, after Royal Assent.

Mr. Marleau: I would have to say that since Royal Assent occurred today and the agreement between the two Houses occurred Friday and, as of last Thursday, there was still disagreement between the two Houses, taking into account the way in which the journals are written — something I should have cured when I was Clerk — you are dealing with numbers of amendments rather than texts of amendments. It has been difficult for me to assess the true outcome of Bill C-2.

With respect to all of the formulas of the public interest — prejudicial, damage and injury test — we can look at them going forward with a fundamental review of the statute rather than — I do not want to say “piecemeal” — a “carved duck” approach. It has to be holistic when you raise this particular question, rather than whether it applies to this department, agency or investigatory agency versus an auditing agency. I would rather save my substantive comment for you once I have had a chance to evaluate both sides.

Senator Di Nino: Mr. Marleau, I would like you to comment on a statement made by the Auditor General at a Senate committee hearing dealing with Bill C-2, I believe, on September 27. She was referring to the Deputy Information Commissioner and she said the following:

With respect, his position reflects a fundamental lack of understanding of the audit function. Our role is to enhance the accountability process by providing assurance to parliamentarians on government finances and operations; all of our conclusions deemed significant are provided in public reports tabled in Parliament. His position also reflects a lack of understanding of the potential harm that could result to our ability to conduct our audits if our audit records were subject to public disclosure. I believe that we would not receive the same level of candour and openness from the people we interview in our audits.

• (2030)

Do you have any comments?

Mr. Marleau: In response, I can only say that I have heard many discussions between lawyers and accountants who both claim to be right according to their own profession. I usually take tax advice from my accountant and legal advice from my lawyer. When the two get into an argument, I get worried.

In the context of your specific question, there is no doubt that the Auditor General knows her business and holds an opinion that a certain amendment to the act could be prejudicial to the quality of her work. To some degree, the same thing can apply to the Information Commissioner. The Information Commissioner has pretty extensive powers to subpoena people and cross-examine them in private. I suppose if people knew that out of that process that could be accessed, people would know what is being shared. That may have a chill effect on that particular process as well.

Maybe both are right from their professional perspectives. My task will be to see how I can step in between them and bring them together.

Senator Di Nino: Mr. Marleau, I can see that your extensive experience in a position that requires discretion has served you very well.

To put a little more focus on that issue, there will obviously be differences in tension that will exist among a number of different parliamentary officials such, as you said, the Auditor General, the Privacy Commissioner, the Information Commissioner and so on. I would probably know the answer, but just for the record, given the experiences you have had, do you foresee any difficulties? Would you share with us how you would deal with those things?

Mr. Marleau: I do not forecast any difficulties. From an access point of view, you have someone who is asking for information from a particular parliamentary officer. There is a process in place. The same would apply to any agency, by and large, so that should not be an issue of tension or difficulty, no more so than when the Auditor General will come and audit my books. There should not be a situation of tension other than if something is fundamentally wrong. That is a different kind of tension.

Where there is potential for conflict is between the Privacy Commissioner and the Information Commissioner. You may remember that there was a discussion some months back about merging the two offices. I was asked by former Justice La Forest, who looked at this, to meet with him and give him the benefit of my experience in the Office of the Privacy Commissioner, and I advised against it. An important dynamic tension exists between these two offices, one that I think has to be maintained in two separate brains. By that I mean it is much better to have two commissioners looking after specific interests and have them discuss an issue which may grind between the two offices and possibly reach an agreement. If an agreement cannot be reached in that kind of situation, even though I said I am reticent about going to court, I think it is much better for the court to decide ultimately which one shall be preponderant when a tension becomes unhealthy. That is the only area.

Between the Chief Electoral Officer, the Commissioner of Official Languages, unless I do not meet my commitments regarding official languages, there should be no tension. I can reassure you my intention is there. Public service integrity, all those things, I do not foresee anything other than what has been for some time this dynamic tension of privacy information becoming an issue.

Senator Di Nino: Thank you, Mr. Marleau. Obviously, if confirmed, we look forward to working with you.

[Translation]

Senator Dallaire: Mr. Marleau, I would like to shift gears. As you know, panic spread across western democracies after September 11, 2001, in North America in particular, and often panic reigned when dealing with certain matters of national security. Civil liberties and human rights were tampered with and measures were taken, including the Patriot Act in the United States and our equivalent.

That being said, I would like to know how comfortable you are with this new concept of national security within agencies such as Foreign Affairs, National Defence and the RCMP, for example.

Do you believe that the parameters are reasonable or should they be reviewed now that the dust has settled somewhat?

Mr. Marleau: Honourable senators, I must admit that during my short tenure as acting Privacy Commissioner, the evolution of Canadian and international legislation on matters of security and its impact on individual privacy was a major concern. I need not remind you about the recent cases that illustrate the serious consequences of all this, even if the government has good intentions.

However, on the access to information side of things, I must say that even though the context has changed since 2001, the Act has been in place since 1983. In my opinion, national security issues in Foreign Affairs or National Defence or the Intelligence Service have not suffered because of the Act. I see no obvious detrimental aspect that has caused serious problems for the government because the Act sets out conditions for exemption and access.

The events of 2001 may force us to undertake a thorough review of the Act, not only with the given context in mind, but substantively in terms of its scope to ensure that there is a balance and some degree of transparency so that excessive secrecy and backroom dealings, though they are not necessarily ill-willed, can be avoided in favour of acting in full view of the Canadian public.

Senator Dallaire: Honourable senators, statistics — though I do not have specific references — show that since 2001 at least, and particularly since the coming into force of new national security legislation, a lot of blacked-out documents have been showing up instead of clear informative documents. This has been a growing trend.

During the in-depth analysis you intend to perform — an initiative I find particularly useful now, five years after the events — I would like to know if you could pay close attention to the information provided to determine whether the nature of the beast has changed with respect to potential abuse in these organizations.

Basically, do you plan to look at the current application and reaction from outside to answers provided?

Mr. Marleau: Honourable senators, in short, my answer is yes. I think that the events of 2001 prompted us to look at several aspects of the situation, but that is not the only reason to take a very careful look at the Act.

• (2040)

I would say that even individuals not directly involved in the area notice that the increased lack of transparency of governments. The last commissioner did not mince words in this regard. As a Canadian citizen, I find that the reflex to automatically create a lack of transparency is stronger than ever. Not necessarily because of bad intentions, but perhaps simply because there is concern for the security of this country.

[Senator Dallaire]

A recasting of the law, a considered review, could put into context the issue you are raising and could perhaps even make it possible to outline the changes that have occurred since 2001. If we have become more pessimistic, that must nevertheless mean something.

Senator Dallaire: Would you feel comfortable preparing analyses, to be made public, of the attitudes of various departments or agencies with regard to the application of the Access to Information Act in today's more demanding context?

Mr. Marleau: Honourable senators, I would be prepared to do that. I do not know what resources are available to the Office of the Commissioner to carry this out in the near future. My predecessors prepared performance reviews of various departments and it may perhaps be possible to provide a context for these reviews, based on whether they were prepared before or after 2001. I do not know if this is scientific enough for you, but I believe that we could at least discern the trends.

[English]

Senator Fraser: Welcome, Mr. Marleau. This comment follows on your remarks about reflexes. When you mentioned Keith Spicer, I was reminded that part of your job is to be a preacher, in addition to complaints, reworking the law and managing the place.

About a year and a half ago, the Canadian Newspaper Association published what it called a national audit. It was a thorough inquiry into freedom of information systems. It gave 75 per cent of federal departments a failing grade. In large measure, surely that had to do with institutional culture. If you talk to a civil servant over a drink one night, you will get 20 stories of how one resists complying with access-to-information requests.

While you wait for the law to be changed, fixed and made wonderful, what can you do to start chipping away at that culture?

Mr. Marleau: I think I can do two things. I do not know that I am a very good preacher. I think, though, that I am a very strong strategist. I do not like to waste my energies with loud advocacy. You have to be strategic in your interventions.

I am familiar with the national journalistic association's views. Some of the report cards I have read in the commissioner's report show a decline.

First, I would like to preach for the professional status of ATIP officers. In the public service, we have recognized professions such as internal auditors, the legal profession, human resource managers, who have a certain certification and a larger duty within a department than just reporting to the next manager. We can provide more training and certification to ATIP officers. We are getting the bureaucracy to buy into the accountability loop that the Access to Information Act creates.

There is a lot of good work being done by ATIP officers. Sometimes they are rolling the rock uphill, probably not necessarily because there is resistance. There is a lack of resources, a lack of priority and a lack of understanding about the act. If these ATIP officers had a higher certification, their cause would be advanced.

Second, I would devise a strategic series of interventions on where the common ground is. Commissioners do not want another study. There was a study in 2002, and there have been several other studies since. Let us find the common ground that can be brought into a piece of legislation.

Those are the two things I would do in the initial part of my term.

Senator Fraser: One of the frequent complaints is the very high cost of some access-to-information requests. I served on the Senate Anti-terrorism Committee. A woman told the committee about receiving a bill for \$25,000 for a request to the Department of the Environment.

I also have a note about a woman in Toronto who sought information on city spending on playground repairs. That is not national security or arcane science. She got a bill for nearly \$13,000 for that request. That would have been from the City of Toronto, not the federal government. Nonetheless, those examples make the point.

The Transport and Communications Committee recommended that access-to-information fees charged for searches be based on a reasonable price rather than the access. The government should be prepared to absorb some of those costs as part of running an open, transparent and democratic system. Have you views on that recommendation?

Mr. Marleau: Honourable senator, in an ideal world, it should be free because to some degree the taxpayer has already paid for the creation of this document. There is assembly, copying and time taken to put these files together. To my knowledge, there has not been a fundamental review of the fee structure since 1983. It is \$5 to apply. It was not designed to be self-sustaining. It is not a user-pay system and should not be. Twenty cents a page for photocopying is fairly steep.

There must be a balance between what a citizen and what a corporation is looking for. We could have classes of requests with cascading fees. Those are my initial thoughts on how to deal with the fee issue. Again, that has not been looked at in that context.

The minister's discussion document talked about the current cost of administering the ATI at \$50 million a year. The proposals by the former commissioner might raise it to \$150 million a year, which is triple. I have some difficulty with that. I do not know how they arrived at those figures. They are just there on the page. Multiple costs go into responding to a request for information that is part of the overhead of a department and if those costs are factored in, then they should not be attributed to access to information. Of course, in modern times costs must be looked at. I would suggest that a cascading set of fees be implemented.

• (2050)

I offered another thought to former Justice La Forest in his study from my experience in the privacy commission. The Privacy Commissioner has audit powers and can verify how the department organizes the information to guarantee privacy. The Information Commissioner has investigative powers and can use his or her powers to audit, if you like, but he or she does not have specific audit powers.

There is a technique in privacy that is very effective, which would not likely need an amendment to the act, but I would like to look at it for the information side. On the privacy side, there are privacy impact assessments, PIAs and on the information side, we could have information impact assessments, IIAs. A government department launching a new program and database approach to managing information would call in the Information Commissioner to seek the commissioner's advice at the front end to know whether the information to be accessed will cost \$17 or \$1.7 million. As well, the department would ask for recommendations on how that information could be structured so that it could be easily accessed in the context of who might be asking.

That is just a thought. Certainly, you do not need to amend the statutes for that to happen because it is not in the Privacy Act. It is an agreement between the commissioner and a volunteer deputy head who might want to save time and money dealing with complaints versus seeking advice so that there are no complaints.

Senator Fraser: Thank you for the most interesting answers.

[Translation]

Senator Comeau: Thank you, Mr. Marleau, for agreeing to submit your application for the position of Information Commissioner. We are very happy that you did.

As Privacy Commissioner and during your lengthy career, you have held positions where discretion was very important and access to information was closely guarded. If you are appointed Information Commissioner, will this habit of discretion pose a problem for you?

Mr. Marleau: Honourable senators, I do not believe that it will pose a problem. The role I played in the other place often required that I exercise discretion on several levels. I could not share all the information I had with the parties I was dealing with. This knowledge had to be invested, in one way or another, to move things forward.

When the Information Commissioner meets with a minister or agency head, he or she must take more or less the same attitude. He or she will share knowledge on which he or she will not have to take a public stand. That does not prevent the commissioner from acting within his or her authority when dialogue breaks down.

If you suspect me of having been too discreet in my duties as clerk and you are concerned now that I must become more transparent, let me reassure you. I believe that the transition will be fairly easy, as it was when I became Acting Privacy Commissioner.

Senator Comeau: You will have to maintain a balance between discretion and transparency.

[English]

Senator Grafstein: Mr. Marleau, you are well known to this chamber as a result of your work here. I have one philosophical question and one specific question.

You have told us that you have to think strategically, and we agree. You cannot be all things to all people because of funding, budgets and allocation of time. Tell us how your organizing ideas

work philosophically when there is the question of access to information and the public's right to know. Tell us how your organizing ideas work philosophically when there is the question of privacy and the right to privacy, a good policy question that conflicts all the time. Then there is the more complicated question of security, the information that government must keep secure in the public interest, security and safety.

What goes through your mind, for a philosophical standpoint, when you have an issue that conflicts with all of these and you have the mandate, jurisdiction and responsibility to deal with access to information?

Give us some insight on how your mind works when there is a clash of three good public policy principles.

Mr. Marleau: I did not anticipate that question, but it is a good one. What you are trying to get at is the qualification and attitude of a commissioner. From a philosophical standpoint, both privacy and information are even-standing. One, in my view, does not trump the other just by the mere fact that one is called "privacy" and one is called "information." The Information Commissioner must have due respect and, as provided for in the act, must look to privacy as an issue when he makes a decision or a recommendation. Philosophically, you are coming at it from an attitude of open government, but you weigh that with privacy.

On the personal side, throughout my career, I have tried to do the right thing, not just getting it right but doing the right thing. If it means from time to time that my recommendation is that privacy is paramount, I will have no hesitation. If I believe that something is right, I will have no hesitation in saying so. I will have come at it from an open government approach before I reach that conclusion. Perhaps that answers your question.

Senator Grafstein: That is most helpful, Mr. Marleau. Allow me to provide an example of something that occurred by the predecessor of your office and good friend of a former parliamentarian, Mr. Reid. If my memory is flawed, you will correct me.

A request was made to a former prime minister for his appointments book. The rationale was that the information officer had a right to know what a prime minister does in his office because a prime minister is the most public officer in the land.

My reaction to that, for your benefit, is that the prime minister is entitled to seek the best advice he can get from as many sources as possible. Some of that information might be public and some might be private because people cannot be candid with him if they are called to public account. We have private caucuses where we exchange candid views. We do not want those views to be made public because at times we take harsh and extreme positions on matters. It involves the exchange of good ideas. What is your take on that example?

Mr. Marleau: I followed that debate in the media but the information commission has not briefed me on the background of that case. I do not recall the outcome of the court case. The matter did go to the Federal Court, but perhaps it has not yet been decided. I am not in a position to second-guess the action taken by Commissioner Reid without having further knowledge of that file.

• (2100)

I will say, however, that there are issues that are part of our democratic make-up and our style of government; things such as cabinet confidence, solicitor-client privilege, Crown privilege and parliamentary privilege that will come into contact with access to information over time. Each one has to be looked at with regard to whether it is prejudicial to the particular practice.

The Minister of Justice has raised the solicitor-client issue, and the commissioner has taken the position that it is not a privilege that is everlasting; that a piece of advice given by a lawyer 100 years ago that is now part of history is not necessarily captured by solicitor-client confidence. I do not know; I would need to look at that. I would not say absolutely that an opinion from a lawyer filed with the Department of Justice 100 years ago, which could still be valid and being used by the minister today, would or would not qualify. However, when you get into the zone of cabinet confidences, Crown privilege, parliamentary privilege and solicitor-client privilege, you must be extremely cautious.

Senator Segal: Mr. Marleau, congratulations on having accepted this difficult and onerous task. It gives me hope for two reasons. The first is that a parliamentary personality of such standing and so well respected on all sides of the house would accept this burden. While you look remarkably younger than your advanced years, the fact that you would take this on at this point in your life in order that we will have the benefit of your wisdom and experience is very encouraging.

I want to ask you about your thoughts on differences between Bill C-2 and the legislation that governs your own activities. Currently, with respect to access to information, if a corporation or a not-for-profit organization were consulting with government for an appropriate reason and sharing confidential information in that context, a competitor could not have that information released without the permission of the third party.

However, under the lobbyist legislation as amended by Bill C-2, there is a requirement that when lobbyists interact with officers or agents of the Crown in the federal right, they have an obligation, as do the people with whom they are interacting, to disclose the nature and content of their interaction. It strikes me that we are faced with two different standards of disclosure, albeit inadvertently, I am sure.

Have you given any thought to what your role might be relative to the implementation of Bill C-2 and any unintended disagreements in the existing statutory basis by which you are governed?

Mr. Marleau: As I said earlier, I have barely had time to catch up on the final outcome of Bill C-2. I take note of what you have just said and I will make a point of looking into that possible discrepancy with regard to disclosure.

I am not entirely familiar with the Lobbyists Registration Act. I believe that the 1983 statute, before being amended by Bill C-2, adequately dealt with third-party disclosure, commercial activity and such things. I do not recall any commissioner's report that set that out as a real problem.

In our system of governance, practice is a very important part of how one exercises these duties within the law, of course. When there is a grey zone, how you have consistently done it before becomes an indicator of how to do it again.

Senator Segal: When you have had an opportunity, with your staff, to review any implementation issues that may emerge around Bill C-2 and to develop, as I suspect would be appropriate, an implementation plan relative to your own terms of reference, do you think you might share that plan with the public or with either of the Houses of Parliament in order that they can understand the way in which you choose to proceed?

Mr. Marleau: That is an excellent point. The number of agencies, Crown corporations and officers that have been added to the schedule will demand that such a plan be developed. I hope that the commission is already looking at the impact that the bill will have and at how it will need to adjust.

I will have no problem with sharing that plan. If I do not, you can always access me.

Senator Segal: I have a question about your own discretion. Sometimes lost in the debate about access to information is that if private corporations have the right to plan in their own interest in private, if foreign governments have the right to plan in private on matters that may impact negatively upon Canadian interests, and if individual Canadians have the right to make their own plans in ways that may or may not be in the national interest, then governments should have the right, within reason, to some measure of privacy in their plans in defence of the public interest.

Do you have any bias with respect to the balance between a democratic government's right to do some planning in private because many of the interests against which it is arrayed in the national interest may be also planning in private, or is it your view that all information should be made public as quickly as possible except where protected or otherwise limited by law?

Mr. Marleau: Governments, and cabinets in particular, need to preserve the confidentiality of their deliberations in arriving at good public policy. They must not have their deliberations assailed because of differences of opinion on how to achieve public policy.

We have a very good precedent in the work of the Auditor General. She does not audit the policy or the advice given to ministers in the context of a comprehensive audit. Her audits stop at good stewardship of money against a legal framework, and the procedures and policies in place for the delivery of services and programs. I have a fundamental belief that, to a large degree, the Information Commissioner must stop there too.

One difference compared to the Auditor General is the time factor. We had this debate in the last Parliament on when census information can become public. At one point, the information on how a cabinet made a decision becomes of historical significance, as does research. The only qualifier to the authority of the commissioner stopping at that door is that the time factor must be revisited.

[Translation]

Senator Dawson: Mr. Marleau, I join my colleagues in congratulating you. Back in 1981 when we adopted the Access to Information Act, a cellular telephone was as big as a Smart car, the Micom 2000 used to type up the bill was as big as a small car, and we did not have cell phones, e-mail, the Internet or BlackBerries. Today, with developments in technology, you are right to insist on the modernization of the legislation.

• (2110)

The evolution of the tools that give us access to information has not been accompanied by modernization of the legislation governing this access. This is a legitimate endeavour and I encourage you to continue getting out the message that you delivered this evening. I also encourage you to persevere as nominee for this position, since the legislation must be updated because of technological change and you must be given the tools to deal with the changes.

I will give the example of cell phones that take photos — Dick Tracy had one in the comic strip, but no one else did. I believe it is important that you have the tools to deal with this issue. Above all, I wish to congratulate you, encourage you and assure you that, insofar as I am concerned, I will be pleased to help you with this bill.

Mr. Marleau: Thank you. Thank you. I would like to add a comment in response to this praise. I have already spoken to the Vice-President of the University of Ottawa about this. The University of Ottawa, my alma mater — and this is not intended as advertisement — is the only university in Canada that has both a civil law faculty and a common law faculty. A great deal of work has been done at the University of Ottawa in the area you mentioned, that is, information management in a legal context.

The Vice-President of the University of Ottawa offered to arrange a lunch for me with the deans of both faculties to discuss this reality. It is just this kind of initiative that the new commissioner must take, not abandoning the complaint and investigation approach, but trying to respond to the impact of technology on information, which gives rise to complaints and investigations.

The Chairman: Mr. Marleau, on behalf of the Senate, I would like to thank you for your availability. We wish you all the best and a very Merry Christmas.

Senator Comeau: Honourable senators, I think we all agree that the Committee of the Whole has completed its deliberations.

The Chairman: Honourable senators, is it agreed?

Hon. Senators: Agreed.

The sitting was resumed.

[English]

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF COMMITTEE OF THE WHOLE

Hon. Rose-Marie Losier-Cool: Honourable senators, the Committee of the Whole, which has received Mr. Robert Marleau, has asked me to report that the committee has concluded its deliberations.

SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE BILL, 2006

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Keon, for the second reading of Bill C-24, to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence.

Hon. Ross Fitzpatrick: Honourable senators, the trading relationship between Canada and the United States is vital to both our countries, each of which is the other's largest trading partner. Softwood lumber, the subject matter of Bill C-24, is one of the most important commodities that we export to the United States. In 2005, our lumber exports to the United States were valued in excess of \$8.5 billion Canadian. The Province of British Columbia is particularly dependent on this industry for jobs and prosperity as it accounts for 57 per cent of the total compared to Quebec at 16 per cent; Ontario at 9 per cent; the Maritimes at 8 per cent; Alberta at 7 per cent and Saskatchewan and Manitoba at 1 per cent each.

Softwood lumber is also one of the most significant trade irritants between Canada and the United States, and the disagreements over softwood lumber are of a long-standing duration. The latest incarnation has cost Canadian companies approximately \$5.3 billion in interim duties paid to the United States government. It has also cost many Canadian jobs. For example, in 2000 British Columbia had 34,948 jobs in forestry and logging. By 2002, that number had declined to 25,970. Similarly, in 2000, British Columbia had 43,352 jobs in the wood products industry. By 2002, that number had decreased to 34,448. Since 2002, those employment figures have remained flat. The job losses are particularly troublesome because the impact is heavily concentrated in certain small communities, especially in the British Columbia interior and the Kootenay region.

The United States economy has also suffered. It has been recorded that the current dispute has increased the price of lumber for home construction in the United States to the point where many Americans have not been able to obtain mortgages.

Honourable senators, a key characteristic of a prosperous trading relationship is stability. As I said in this chamber in May of this year, it is vitally important to settle the immediate dispute

and critical to the future of the industry and our trade relations to find a viable, long-term, efficient dispute resolution process. We must ask ourselves if Bill C-24, and the agreement that it implements, provides the requisite stability and certainty for a successful long-term trading partnership. Among the many criticisms of the agreement is that it is characterized as a capitulation because it surrenders \$1 billion that trade panels and tribunals have ruled are illegally collected duties. Of these funds, \$500 million will be available to the U.S. lumber industry, which it can use to finance legal and political attacks against our Canadian industry.

The agreement has also been criticized as an abandonment of our position that the Canadian softwood lumber industry is not subsidized when international trade panels, both at NAFTA and the World Trade Organization, have repeatedly upheld this position. The agreement also contains anti-surge provisions that deprive our Canadian softwood lumber industry of the necessary flexibility to deal with unexpected or unusual circumstances such as the pine beetle infestation.

There is also an escape clause, added at the insistence of the United States, that gives either country the option of walking out on the agreement only after 23 months.

Honourable senators, we must ask if 23 months represents the long-term stability and certainty that we were seeking. Have we ceded too much for too short a period? Could the Minister of Foreign Affairs and International Trade have done a better job of negotiating an agreement with our neighbour and largest trading partner? What about the dispute resolution process we sought contained in article XIV of the agreement? If they can destroy the dispute resolutions of NAFTA by simply ignoring them, will the provisions of article XIV of the agreement fare any better?

Much of the current agreement support is based on coercion and not consent. The agreement is flawed and the government used uneven, heavy-handed force to force the Canadian industry and communities to accept it. I feel it is time to put an end to the economic uncertainty on both sides of the border. However, at what price?

Honourable senators, I am afraid that we may never attain free trade, whatever that is in softwood lumber, but we must remain vigilant to ensure that we have fair trade, not in 23 months or seven years, but now.

Honourable senators, we must do the right thing for the industry and the country and consider this agreement very thoroughly in committee, and allow those who have been affected to speak before we approve it.

• (2120)

Hon. David Tkachuk: I move that Bill C-24 be referred to the Standing Senate Committee on National Finance.

An Hon. Senator: It is too early to do that.

The Hon. the Speaker: We are on debate on the motion for second reading.

Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. David Tkachuk: I move that the bill be referred to the Standing Senate Committee on National Finance.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

An Hon. Senator: On division.

Motion agreed to and bill referred to the Standing Senate Committee on National Finance, on division.

INTERNATIONAL BRIDGES AND TUNNELS BILL

REPORT OF COMMITTEE ADOPTED

On the Order:

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Transport and Communications (Bill C-3, An Act respecting international bridges and tunnels and making a consequential amendment to another Act, with amendments and observations), presented in the Senate earlier this day.

Hon. Lise Bacon moved the adoption of the report.

She said: Honourable senators, the amendments adopted by the committee are technical and they do not change the substance of the bill. In the English version, subsection 7(1.1) and 24(1.1) have been amended. The terminology used in these provisions was not consistent with the terminology found elsewhere in the bill.

In subsection 7(1.1) and 24(1.1) in the bill, as amended by the House of Commons, there is a reference to levels of governments that have authority. The problem is that the terminology used elsewhere in the bill is not consistent with the term "authority," and the term "jurisdiction" is used instead.

In order to ensure that no element of uncertainty is introduced in the meaning of the provisions by the presence of the two distinct terms, the proposed amendments are necessary.

[Translation]

The French version also has a legal problem having to do with the terminology. The municipalities are not covered in the current wording of subsections 7(1.1) and 24(1.1) of the bill. There is a reference to levels of government that have authority. It is well established in Canadian terminology, in the French language, that there are only two levels of government in Canada: the federal government and the provincial governments. Furthermore, we

cannot talk about the federal minister consulting with the other levels of government because notwithstanding the federal government, there is only one other level of government. It is therefore impossible to use the plural in this sentence.

Finally, in section 15(2), in French, the expression "l'administration municipale" is replaced with "la municipalité". This is a correction to the translation.

[English]

Hon. Terry M. Mercer: Honourable senators, my speech says I am pleased to rise, but I am not overly excited about rising to debate this bill, as it presently exists. However, I am happy to talk on Bill C-3, the international bridges and tunnels act.

I would like to make it clear at the outset that I am not opposed to the premise or the content of this bill. However, I am dismayed by the quickness with which we are passing it through the Senate.

My colleagues will suggest we have already studied this bill in detail both here and in the other place. While that may be true, that does not necessarily mean that it is a reason to push the bill through the process.

Let us review what has happened thus far. Several amendments were made in the other place to improve upon some aspects of the bill, which included, for example, the concerns of municipalities. While in the Standing Senate Committee on Transport and Communications, we heard from stakeholders, including the Minister of Transport.

In the other place, and here in the Senate and in committee, much concern was expressed over the Windsor-Detroit corridor, as well as the other crossings in Canada. The Windsor crossing was mentioned several times, not only by the bridge operators but also by the Mayor of Windsor himself. This is not surprising as this is the most important passage of trade goods between Canada and the United States.

Traffic concerns were discussed and, most importantly, security matters in this era of heightened diligence post-9/11. That being said, you may wonder why I seem to be impeding the passage of this important piece of legislation. I do not think I am.

Honourable senators, as far as I am aware, the existing legislation has served us well. Special acts of Parliament are approved currently to build a bridge or tunnel. During the process, regulations are and have to be followed, including but not limited to addressing security concerns and monitoring environmental impacts on the region.

My overall concern with this bill is the processes that are currently being completed. If we pass this new legislation, what is to happen to those processes? Significant amounts of money and time have already been invested by government and by the private sector.

As an aside, honourable senators, I find it interesting that I, a very left-leaning Liberal, will be giving a speech defending private enterprise in Windsor, Ontario, while the government members, who are the free enterprise party, are pushing this and want to get this through the Senate very quickly. I look at myself in the mirror as I debate this motion and wonder what has gone wrong.

With respect to the people who are proposing new things in Windsor, in particular, do they have to endure the process again, the very processes that were already followed to the letter and in concurrence with existing statutes?

Our own briefings in committee on this topic stated that there are currently a number of proposals under consideration for the construction or alteration of new and existing facilities. We heard from one, the Ambassador Bridge. Why did we not hear from the others?

Honourable senators, let me be clear; I am not opposed to anyone, any private company or our own government to follow the rule of the law. My concern is that we are doubling our efforts and impeding the process already in place. As well, are we standing in the way of free enterprise and private sector investment? Are we also increasing government spending at this point in time when we do not need to, when private enterprise is willing to do it for us?

The purpose of this bill, to my understanding, is to streamline the process. However, we cannot forget that many are already following the very processes the bill proposes to outline.

Honourable senators, I am also concerned that funding for the Windsor corridor and for many of the crossings in Canada previously announced may be in trouble. We have seen decreases in numbers of crossings at various places, including the tunnel from Windsor to Detroit. By the way, the committee that oversees that tunnel is chaired by guess who? The Mayor of Windsor. I would suggest perhaps the Mayor of Windsor may have a conflict as he debates how other people see this.

In September of 2002, \$300 million was approved over five years as part of an overall federal-provincial plan for border crossings, signed by Premier Eves of Ontario and by Prime Minister Jean Chrétien on behalf of the Government of Canada. This deal will end in 2007. Has the funding been spent? If not, is it in trouble of being withheld if we pass this bill?

Some of my colleagues suggest that has nothing to do with the bill; I respectfully disagree. While no bill before us will be perfect and no bill will resolve our problems, I am concerned this bill may impede certain aspects of regulatory authority already working well. That is why I proposed an amendment in committee to section 57 to clarify that the current process be allowed to continue and be approved, using the current process. Then the law emanating from Bill C-3 would apply to all proposals. That was to remove the part of the bill that was retroactive. Most of us do not feel comfortable passing retroactive laws. This seems reasonable and fair.

• (2130)

However, this amendment was not approved by the committee and, therefore, I will not impose the same amendment on the chamber. Since it did not pass the committee, I suspect it would not pass the chamber. However, I ask that honourable senators review what has happened with this bill and think about what I have said when you vote at report stage and at third reading of this bill.

Honourable senators, this seems to be a very straightforward bill but, quite frankly, it is a bill designed to do one thing and one thing only, and that is to impede the process of a private company in the Windsor-Detroit corridor and to allow the Government of Canada in conjunction with the City of Windsor to get involved in the profitable business of border crossings at the busiest border crossing in our country.

Hon. David Tkachuk: Honourable senators, I want to thank the members of the committee, who were very diligent in studying this bill. We spent some seven meetings on it. It is a fairly simple bill and has been before us in one form or another twice before.

We did not always agree on certain aspects of the bill and some of the issues were contentious. However, at the end of the day, the committee agreed that the bill only merited a few technical amendments, which were left over from amendments, as the chairman of the committee has mentioned, from the House of Commons. We also added observations to the bill, on which we all agreed. I think that will help the government as it moves to implement the legislation, which reflected some of the concerns that some members had about certain aspects of the bill.

I want to especially thank Senator Bacon, the chair of the committee, who sets a standard for this chamber in reasonableness and common sense. We worked together on the observations, and they were passed unanimously.

Having said that, I also want to add that the Minister of Transport has asked me to convey to the Senate that upon passage of Bill C-3 the government will undertake to move as quickly as possible to ease congestion at all of Canada's bridge and tunnel crossings with the United States, particularly at Windsor and Fort Erie.

Hon. Jerahmiel S. Grafstein: Honourable senators, I do not mean to impede the passage of this bill, but I am in a bit of a quandary, having heard Senator Mercer and the sponsor of this bill, Senator Tkachuk.

As honourable senators know, a key issue for productivity in this country is bridge crossings. Sixty-seven per cent of all goods by traffic flow through two border points: Windsor-Detroit and Buffalo-Niagara. These border points have not been expanded — I do not use the word “modernization” — in over 70 years. While our trade is racing ahead by leaps and bounds, these are still two choke points on the ground.

We have several situations, as Senator Mercer pointed out. The bridge is in private hands; the tunnel in Windsor is in city hands; and the other bridge is in other hands.

The report was interesting in that it is somewhat contradictory of the public interest. I am not clear because I did not sit on the committee and have not had a chance to read all the testimony. I am looking to the comments in the report, and it reads:

On the question of the federal government's potential involvement in future international crossing projects, your Committee heard suggestions that the provisions in the bill that allow the Minister of Transport to recommend to the Governor in Council whether or not to approve a project

would lead to a substantial conflict of interest for the Minister. On this point, officials noted that Transport Canada currently does not own or operate a single international bridge or tunnel. The existing federal structures belong to Crown corporations, which are autonomous even if the Minister of Transport is responsible for them. To quote an official, "the Minister has absolutely no authority over the day-to-day activities of these organizations, including those dealing with safety and security." Therefore, given the autonomous ownership and operational arrangements established for existing federal structures, your Committee is confident that the Minister of Transport will not be in a position of conflict of interest in the future. However, the Minister of Transport should be particularly sensitive to any situation where the federal government is in a situation where there is the appearance of conflict, especially when the interests of a private enterprise are at stake.

I am respectful of all of that, but, again, it is a clash here between the private interest and the national interest. The national interest demands that there be expansion of these two bridges. I am delighted to receive Senator Tkachuk's statement from the minister. However, I ask him this: Would the sponsor of the bill give the Senate of Canada assurance that the Government of Canada is committed to a speedy expansion of border crossings at the Windsor-Detroit and Buffalo-Niagara regions, which would be in the great interest of Canada's productivity and economy?

Senator Tkachuk: Yes.

The Hon. the Speaker: Is there further debate?

Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Eyton, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I know it is late, and so I would propose that all remaining items on the Order Paper stand in the order in which they are today.

THE SENATE

MOTION TO EXTEND WEDNESDAY SITTING AND AUTHORIZE COMMITTEES TO MEET DURING THE SITTING ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 11, 2006, moved:

That notwithstanding the Order of the Senate of April 6, 2006, when the Senate sits on Wednesday, December 13, 2006, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, December 13, 2006, be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[English]

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I should inform the house that the Deputy Leader of the Government did raise this matter with me earlier. It was a clear undertaking that the only purpose of extending the sitting tomorrow beyond what would otherwise be our four o'clock adjournment would be to enable us to get through the Order Paper in normal form. The intention is not to prolong the sitting unduly.

As we all know, sometimes four o'clock comes on Wednesday and there are still several items that everyone wishes we could dispose of, but we have the guillotine at four o'clock. The idea here is to turn off the guillotine without unduly prolonging the work of the chamber. It was on that understanding that I said I thought this motion would be acceptable.

Hon. Terry M. Mercer: Honourable senators, again, like everybody else, I am anxious to get out of here this evening.

I am curious. If we go beyond four o'clock tomorrow afternoon, is there an indication as to when it is anticipated the sitting will end? Will it be four to six, four to eight, four to five? For those of us who have other commitments tomorrow, it would be practical to know that.

Senator Comeau: I can assure Senator Mercer that the Deputy Leader of the Opposition and myself had an extensive conversation on this subject.

• (2140)

I am very much aware that there is a special activity going on tomorrow night. I assured the deputy leader on the other side that we would be out of here with plenty of time to reach the other activity. That is not meant in any way to try to place any kind of a hitch in those plans because from time to time we also wish to have that courtesy extended to us. To date, we have had the best of cooperation. Therefore, I would not in any way suggest that we will be uncooperative. That is not meant in any way to cause any undue harm to tomorrow night's activities.

Senator Mercer: I am glad Senator Comeau has said that. It is not I whom you need worry about, Senator Comeau. I will introduce you to my wife.

Hon. Jeremiah S. Grafstein: I was not clear on your motion. Do I require leave now for the Standing Senate Committee on Banking, Trade and Commerce to sit at 4 p.m.?

Senator Comeau: That is covered by part of the motion so that all committees sitting at that time will be permitted to sit at their regular time.

The Senate adjourned until Wednesday, December 13, 2006, at 1:30 p.m.

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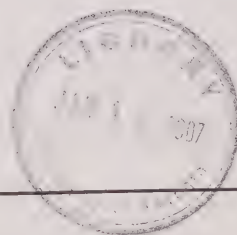
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OFFICIAL REPORT
(HANSARD)

Wednesday, December 13, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Wednesday, December 13, 2006

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

PRESIDENT OF IRAN

HOLOCAUST DENIAL CONFERENCE

Hon. David Tkachuk: Honourable senators, a great English philosopher and famous Conservative, Edmund Burke once observed, "All that is necessary for the triumph of evil is for good men to do nothing."

I recalled that bit of wisdom this morning when I read the heinous and vicious remarks of the President of Iran who was presiding over, what else, a conference of holocaust deniers. I was outraged to read, just as everyone in this chamber should be and is that the evil man, that paragon of intolerance, has once again suggested the wiping out of Israel.

He remarked, according to the newspaper that I read, that the killing of six million Jews in the Second World War is a myth. He called, not for the first time, for Israel to be wiped off the map. Not only that, he implied that his demented wishes were what all nations wanted, thus incorporating the likes of you and me and every Canadian in his warped sense of the world.

His remarks should not go unanswered. I am glad to see that much of the world has condemned him, and I want to join in that condemnation in no uncertain terms, as I am sure do most sane people.

Yet, there are those who say we must engage Iran and that perhaps we should deal with this man in solving the problems of Iraq; that we can talk things out with him. Unfortunately, there are also some people who do not listen to reason and we need to recognize that.

I would argue that this man bears watching, and that good men and women the world over must be prepared to act to prevent the triumph of evil that is characterized by the President of Iran.

• (1335)

ACCESS TO INFORMATION ACT

AMENDING LEGISLATION

Hon. Lorna Milne: Honourable senators, I watched with interest the ceremony in this chamber when Royal Assent was given to Bill C-2, the federal accountability bill. Honourable senators were involved in many discussions regarding the various aspects of this bill. One portion of the bill in which I took a particular interest was the provisions designed to change the access to information regime in Canada. I felt, after reviewing

the evidence heard by your committee on Legal and Constitutional Affairs, that a number of changes were absolutely necessary to the access to information provisions included in Bill C-2 in order for it to achieve the goals stated by the President of the Treasury Board upon introduction. He said:

...the government should not unnecessarily obstruct access to information.

We are absolutely committed to making government more open while balancing legitimate concerns for personal privacy, commercial confidentiality and national security.

We will change access to information legislation to promote a culture of increased openness and accessibility.

It is with all of this in mind that I rise to give honourable senators fair warning that I will introduce a bill amending the Access to Information Act in the near future. It is my intention for this proposed legislation to have three components, two of which are designed to remove government imposed restrictions on access to information that were created by Bill C-2. The third component of the bill will introduce a provision that provides authorization for disclosure where a clear, overriding public interest exists to have information released.

The three changes that I will propose — greater access to information held by the Auditor General, the Commissioner of Official Languages and the inclusion of a public interest override — are the kinds of changes that Canadians expected to find in the federal accountability bill. My bill will ensure that officers of parliament are treated fairly and equally under the Access to Information Act. This proposed bill will also support Justice Gomery's rejection of the argument that audit working papers should be kept secret forever.

I urge honourable senators to review the proposed legislation when it is introduced because I believe it will provide sensible changes to Canada's access to information regime and a positive step toward greater transparency.

NATIONAL DEFENCE

TRIBUTE TO NAVY

Hon. Hugh Segal: Honourable senators, as we come to the end of 2006, I rise today to put on record and pay tribute to the achievements of the Canadian Navy. The accomplishments of these past 12 months are numerous and deserve our recognition and gratitude. While it is impossible in the time allotted to list each and every success, I would like to put on the record some of the highlights of 2006.

The Canadian Navy has been defending our coasts and enforcing Canadian sovereignty in our waters through a series of important initiatives and patrols. For example, Maritime Forces Pacific, MARPAC, hosted Exercise Trident Fury, the largest ever world-class warfare exercise, with participation from Canada, Australia, the U.S., the U.K. and NATO forces.

HMCS *Fredericton* was deployed for two months to the Gulf of Guinea in a successful counter-drug operation in collaboration with the Royal Canadian Mounted Police to keep dangerous and illegal drugs from Canadian shores and young people.

HMCS *Windsor* contributed significantly to national and multinational exercises as a member of the submarine fleet.

Naval personnel from Ottawa and from both coasts contributed to operations with Task Force Afghanistan and with training for that in Wainwright, Saskatchewan.

Our navy has been leading CF transformation through their efforts with Joint Task Force Atlantic and Joint Task Force Pacific, and with the support of the U.S. Navy and Marine Corps and Integrated Tactical Effects experiment — Canada's first expeditionary and joint amphibious activity in many decades.

This year, Commodore Denis Rouleau has been at the helm of NATO's high readiness maritime response force. He led Canada's contribution to the Alliance's NATO Response Force abroad from the decks of HMCS *Athabaskan* and HMCS *Iroquois*, helping to contribute to the success of the response force overall.

HMCS *Ottawa* became the twentieth Canadian ship operating with coalition forces in the Middle East and is currently alongside a U.S. expeditionary strike group in the Persian Gulf.

• (1340)

The Canadian navy also hosted international visitors, playing the important diplomatic role that navies do, including, in 2006, ships from the Chinese People's Liberation Army, the Republic of South Korea and the French navy. In September, Canada welcomed 200 participants from 18 nations, wanting to share information on issues affecting maritime security in the Indo-Pacific region.

Canada's navy continues its high level of engagement with the United States, our closest ally and training partner, and the capabilities and strengths of our navy are not lost on our American friends.

Two Canadian officers were awarded the Legion of Merit by the American President. Naval Captains Richard Harrison and Jimmy Heath were recognized for their efforts in advancing multinational operations and contributing to continental home defence initiatives.

None of these impressive accomplishments could have been achieved without the tremendous effort of all those ashore in the maintenance facilities, test establishments, schools and administrative support centres.

I am proud to put on the record but a few of the Canadian navy's achievements in 2006. I look forward to more success and more recognition for their work and for the men and women so involved in 2007.

There was never a question as to whether there is a navy present in our lives. The only question is whether ours is present, and ours always is doing a remarkable job for all Canadians.

[Senator Segal]

NATIONS OF CANADA

Hon. Charlie Watt: Honourable senators, a nation is a community of people living in the same territory and sharing a common history, culture, economy and common value.

On November 22, 2006, Prime Minister Harper tabled a motion stating:

...that the Québécois form a nation within a united Canada.

Honourable senators, this is true. Let me remind you, however, that the first inhabitants, the Inuit, are and will remain a nation.

On March 19, 1985, the then Premier of Quebec, the Honourable René Lévesque, tabled a motion on the same subject matter. It read as follows:

That the National Assembly recognizes the existence of the first inhabitants nations in Quebec, naming the Abenaki, the Algonquin, the Attikamek, the Cree, the Huron, the Micmac, the Mohawk, the Montagnais, the Naskapi and the Inuit.

The same motion recognized their ancestral rights and their rights from the James Bay and Northern Quebec Agreement. Those agreements and future such agreements had the value of treaties.

The motion invited the National Assembly to subscribe the engagement of the government toward Aboriginal peoples for a better and accurate acknowledgment of their rights.

The motion respected legitimacy, and it is important for Quebec society to set up harmonious relations based on mutual respect and trust, and that is what has been done. It was adopted in the National Assembly in 1985 with a majority.

The question of "nation" has been discussed from time to time in the past and still remains today unresolved. We all should come to the conclusion that there are many nations in this country under a united Canada.

ROUTINE PROCEEDINGS

STUDY ON RURAL POVERTY

INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE TABLED

Hon. Joyce Fairbairn: Honourable senators, I have the honour to table, in both official languages, the sixth report of the Standing Senate Committee on Agriculture and Forestry entitled: *Understanding Freefall: The Challenge of the Rural Poor*.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

• (1345)

[Translation]

SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE BILL, 2006

MOTION TO WITHDRAW BILL FROM NATIONAL
FINANCE COMMITTEE AND REFER TO FOREIGN
AFFAIRS AND INTERNATIONAL TRADE
COMMITTEE ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1), I move:

That Bill C-24, to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence, which was referred to the Senate Standing Committee on National Finance, be withdrawn from the said Committee and referred to the Standing Senate Committee on Foreign Affairs and International Trade; and

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to meet today, Wednesday, December 13, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

ADJOURNMENT

NOTICE OF MOTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That when the Senate adjourns Thursday, December 14, 2006, it do stand adjourned until Tuesday, January 30, 2006, at 2:00 pm.

CANADA-CHINA LEGISLATIVE ASSOCIATION

BILATERAL CONSULTATIONS,
OCTOBER 7-15, 2006—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation to the Canada-China Legislative Association concerning its participation in the ninth Bilateral Consultations held in Beijing, Guangzhou, Macao and Hong Kong from October 7 to 15, 2006.

CANADA-AFRICA PARLIAMENTARY ASSOCIATION

ELECTION OBSERVATION MISSION,
JULY 28-AUGUST 1, 2006—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Africa Parliamentary Association respecting its participation at the election observation mission held in Kinshasa, Democratic Republic of Congo, from July 28 to August 1, 2006.

ELECTED SENATE

PROPOSED MODEL—NOTICE OF INQUIRY

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I give notice that at the next sitting of the Senate:

I will call the attention of the Senate to the issue of developing a model for a modern elected Senate, a matter raised in the first report of the Special Senate Committee on Senate reform.

• (1350)

QUESTION PERIOD

FINANCE

BUDGETARY CUTBACKS

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question to the Leader of the Government in the Senate, returns to the matter raised yesterday in Question Period about the roughly \$7.4 billion in cuts that were dealt with in a press conference held by members of the opposition yesterday.

Can the Leader of the Government give us some indication of the timing of the implementation of these cuts and, at the same time, the way in which the cuts have been arrived at, or, if they have not been finalized, how they will be finalized? I am thinking particularly in terms of what it was by way of the honourable leader's explanation of the \$1 billion in cuts that have been so controversial, her role in that process, and the use of value-for-money programs that were thought to be unnecessary, and so on.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. This is a unique situation for the Leader of the Government in the Senate in that the Liberal opposition put out a press release stating many figures as if they were fact, and then expecting me as the Leader of the Government in the Senate to respond to them. That is a unique situation.

The \$7 billion figure used by Senator Hays yesterday was the Liberals' spending plan, presented in the previous government's November 2005 economic statement and fiscal update, and in Bill C-66. Their so-called mini-budget was not voted on in Parliament and subsequently was not implemented.

To say that we are only cutting programs is false. It is incorrect and incomplete. As the Prime Minister said in the other place yesterday, and I said in this place, instead of just getting rid of programs we will be replacing them with far more effective programs that are much more mindful of the needs of Canadians where they work and live, and much more respectful of Canadians' hard-earned tax dollars.

Senator Hays: Having read the materials that gave rise to this press conference, I agree that the Leader of the Government is right: It was the 2006 budget that referred to a number of measures in the economic and fiscal update, which I think were valuable and important. It is a legitimate question to the government as to why they are not proceeding with these measures.

What is wrong with \$550 million for the Canada Access Grants for students from low-income households and students with permanent disabilities? What is wrong with the \$219 million for home heating system cost relief? What is wrong with \$500 million for the Canada Foundation for Innovation? What is wrong with \$109 million for Canada's trade commissioners? What is wrong with \$2.1 billion for student financial assistance? Can the minister give us a good answer to those questions?

Senator LeBreton: Honourable senators, my answer will be the same as it has always been. When we were elected on January 23, we were not elected to carry on with certain Liberal policies and plans. We were elected to implement the commitments that we made to the Canadian public in the election. When the honourable senator asks the question, "What is wrong?" he is relating to his view of the world. We have a different view of the world. That is why we have budgets. That is why a government, over the period of its mandate, announces its own programs and platforms. To present to you the platforms and programs that may come out of a budgetary process on which we are presently working would obviously serve the opposition's purposes, but it would not serve ours.

Senator Hays: Madam Minister, that misses the point. It would serve the purposes of good Canadian public policy. It is not the role of a new government to simply pick and choose, based on arbitrary reasons, when there are good spending programs in place. When there are good policies in place, they should continue to be pursued. When they are not, they should be changed, or not pursued at all.

• (1355)

In these cases, I ask why these very good programs that were announced and that were funded are not being proceeded with, because they are excellent programs. I put the question again, because I do not think it is a good answer to simply say that the government changed.

Many policies that are in place — some that were part of an economic statement, previous budgets and so on — are always under review. However, these are very good programs, by any measure. This government should accept them. If it does not, it should have a good reason why not; and it should have alternative programs in hand to say that these programs are the replacement programs and are better, in the opinion of your government.

I will give the minister an opportunity to give that answer.

Senator LeBreton: I will not give that answer. There are many programs from one government to another that are maintained and expanded upon. Indeed, there are programs of the previous government that this government has kept in place and expanded upon. That does not say that a government is not within its rights to judge programs with regard to commitments that we made to the public.

I would say to the Honourable Senator Mercer that they should put you on a tugboat in Halifax harbour. They would not then need a foghorn, that is for sure.

Our government will be announcing different programs in the future that we think will benefit the Canadian public. We have already announced programs for Aboriginals, youth and people at risk.

I would simply say to the Honourable Senator Hays that he obviously feels strongly about these programs, and he is quite within his rights to do so since he supported the government that brought them forward. I would say equally, however, that I and the people on this side have the right to bring forward policies and programs that we believe in, and to which we committed ourselves during the last election.

Senator Hays: Good programs, I think, madam minister, transcend governments, no matter which government brought them in. As you have observed, I believe these programs are good programs. Perhaps I will just confirm at the end that it is the leader's answer that the government of the day, having announced the elimination of these programs, has no intention of replacing them with programs filling the same needs, or that they think will do what it is that these programs were designed to do in a better way.

Senator LeBreton: Honourable senators, Senator Hays is again trying to put words into my mouth. I am quite sure, when we check the record, that he will find I did not say we did not have programs that we were about to commit to in the same areas. They may not be the programs that his government advocated. However, he is incorrect in assuming that this government will not be bringing in programs in those exact same areas.

Senator Hays: I ask the minister to prove me correct. When will these programs be brought forward, and will they be comparable in terms of the support that these programs were designed to provide in these areas of need?

Senator LeBreton: Honourable senators, my answer to that question would be the same answer Senator Hays would give if he were on this side. He would not hand the opposition a timetable for when his government would bring in specific programs. I have no intention of doing so, either.

Senator Hays: It is the Canadian public who wants to know.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— PROPOSAL TO ELIMINATE SINGLE-DESK SELLING FUNCTION—PLEBISCITE FOR BARLEY PRODUCERS

Hon. Grant Mitchell: Perhaps my first question should be: What does the Leader of the Government in the Senate have against tugboats?

Honourable colleagues, one of the consistent refrains from the opponents of the Canadian Wheat Board is: If they are so good, why can they not compete?

• (1400)

There is one critical reason why they would not be able to compete, and that is that, over the many years of their existence, what would have been profits they have passed along to farmers, while their competition has invested literally hundreds of millions of dollars in capital and infrastructure. It is common knowledge that the single greatest reason businesses fail is that they are undercapitalized.

If the government manages to cut the Canadian Wheat Board loose, are they prepared to invest literally hundreds of millions of dollars in the Canadian Wheat Board, give them the capital and the infrastructure, so that at least they have a competitive fighting chance?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I made myself clear yesterday, in answer to Senator Milne's question, that the government has no intention, to use her words, to blow up the Wheat Board. Simply, our commitment was, and is, to give grain producers in Western Canada marketing choice.

I was not present last night at the Standing Senate Committee on Agriculture and Forestry, but I am told by some observers that the representatives for the Wheat Board did not do a very good job in explaining or justifying to senators why they felt that they should have a total monopoly over the products of Western grain producers.

Senator Mitchell: Honourable senators, truly, the witnesses did an exceptionally good job.

If the government is not prepared to answer this question specifically by saying that they would put hundreds of millions of dollars into capital so that the Canadian Wheat Board would have a chance to compete, then what they are actually saying is that they do not want the Canadian Wheat Board to exist at all, because with its current capital structure, it would not be able to compete.

Will the Leader of the Government in the Senate please confirm that her government is prepared to put the money into the Canadian Wheat Board so that the Wheat Board could compete, or are they saying that they do not care whether the Canadian Wheat Board competes at all, or whether it exists at all, and that they really want to kill it?

Senator LeBreton: Honourable senators, I fail to see why the Canadian Wheat Board could not compete as an entity. I will simply repeat what I have said before. Obviously, there are strong opinions on both sides. I know of a farm family in Saskatchewan where one brother is of one view and the other is of another view, and they are hardly speaking to each other at the moment. It is an emotional debate for people in the industry.

Our government campaigned on marketing choice. There will be a barley plebiscite early in the new year. We have never said that we intended to kill the Wheat Board. However, we

committed to Canadian grain producers that we would provide marketing choice. If farmers want to continue to sell their wheat through the Wheat Board, that is their choice. If they want to sell directly to market, that is their choice as well.

Senator Mitchell: Honourable senators, the Leader of the Government in the Senate is admitting that there is yet another Conservative policy that is breaking up families.

Is the government aware that if the Canadian Wheat Board is cut loose and the competitive structure becomes a disaster for Canadian farmers, it will not be possible, under the terms of the NAFTA agreement, to put the genie back in the bottle? One cannot re-establish a single-desk Canadian Wheat Board structure.

Senator Tkachuk: We do not know that.

Senator LeBreton: Senator Tkachuk is absolutely right; we do not know that. It is the big "if" word: If this were to happen; if that were to happen. There are examples in other jurisdictions — Ontario being one — where wheat producers have a choice and they market their product. I do not, for the life of me, understand why Senator Mitchell, a senator from Alberta, would not want his province's wheat, barley and grain producers to have the same rights as the wheat producers in Ontario.

Hon. Lorna Milne: Honourable senators, my question is directed to the Leader of the Government in the Senate. In my position as the senator for Peel Region in Ontario, I would like her comments on the following remarks from a letter that was sent on December 11 by the Peel Federation of Agriculture to the Minister of Agriculture.

• (1405)

Peel Region has longstanding Conservative ties, being the birthplace of Bill Davis. We were also ably served by MPP Tony Clement with whom we had excellent rapport in the farming community. David Tilson represents us as our Member of Parliament.

We have been following, with great interest, the developments of this government's initiative to dissolve the CWB. Even though in Ontario the CWB has no authority over the sale of wheat and barley and we are not directly affected by their decisions, we are deeply disturbed by the way your government has been handling the whole affair. Furthermore, since we do have marketing boards on other commodities (milk, eggs and chickens) and in light of the fact that Prime Minister Harper has, in the past, spoken against marketing boards, we fear that this initiative by you may be a precursor to the dismantling of these boards.

We are particularly concerned with the announcement that you have attempted to fire Canadian Wheat Board President Adrian Measner. Also your manipulation of the democratic process of the board flies in the face of the principles of justice and fair play. When your party was the Official Opposition, you spoke out vehemently against the same patronage appointments and board manipulation that you are now committing.

In view of the sentiments in that letter, and in view of the overwhelming vote in the other place last night, will the Leader of the Government in the Senate ask Minister Strahl to guarantee that the question adopted by the other place last night will be the question put to the Western barley growers?

Senator LeBreton: Honourable senators, I thank the senator for that question. I am sure the association in Peel appreciates her reading their letter into the record. They expressed an opinion, which is their right, and have done so fervently.

The fact is that they are misinformed. We are not intending to get rid of the Wheat Board. As I have said many times, we are simply offering a choice in marketing. Surely, in this day and age, we can have a situation where Western farmers, when they produce their products, are able to market their products in the way they so wish.

With regard to marketing boards in Ontario and Quebec, I have stated in this place before, and it is stated government policy, that we are not changing the marketing board process in those jurisdictions.

Senator Milne: Honourable senators, to the Leader of the Government in the Senate, I thank her for that reassurance. If I may go on with this letter, it says:

As Ontario farmers we are confident of the ability of marketing boards to act on our behalf. In a marketplace that is dominated by multinational corporations, marketing boards are our only hope for fair trade. Supply managed commodities are the only profitable sectors of agriculture in Canada.

I will relay to them quite gladly the minister's remarks that she will not attack the supply management community in Canada. However, the minister is attacking the supply management community in Western Canada through this dismantling of the Canadian Wheat Board.

Senator LeBreton: Honourable senators, Senator Milne and I are from the province of Ontario, and far be it from us to ascribe motives to our grain producers, because the issue here is not supply management.

I would like to ask the Honourable Senator Milne if she would provide me with a copy of that letter because I would like to have an opportunity to respond to it myself. However, as I have repeated on many occasions, what we campaigned on and what we were elected on was that we would provide marketing choice to wheat and barley producers in Western Canada. Clearly, as I have said in answer to Senator Mitchell, there are strong views on each side of this issue.

The fact is very clear and remains that this is a policy that the people were well aware of. We featured it day in and day out on the election campaign. No matter where people stand on this issue, they cannot say they did not know that we would, in fact, proceed with marketing choice for Western grain producers.

Senator Milne: Honourable senators, if I may just respond to the request for this letter, I would be delighted to give it to the honourable senator, but I have written all over it and would

prefer she not see my remarks. However, it was sent to every member of Parliament in the other place, and I am sure that David Tilson can give her a copy.

• (1410)

Hon. Terry M. Mercer: Honourable senators, on a supplementary question, I find it curious that the Leader of the Government in the Senate has talked about their mandate, the 36 per cent vote they received from the Canadian public in January this past year, and talks about democracy. This past weekend, farmers in Western Canada voted 60 to 40 in favour of keeping the Wheat Board. Does the leader want to talk about democracy? That is a mandate, 60-40, as opposed to 36 per cent that the government received and that she has have interpreted to be some huge mandate.

I wonder if the Leader of the Government in the Senate could explain to me why she does not recognize that the farmers in Western Canada have made their decision. They voted this weekend and elected the directors of the Canadian Wheat Board who are strongly in favour of keeping the board and having a single desk.

Senator LeBreton: Honourable senators, it was not a vote on the future of the Wheat Board; it was a vote in specific areas on directors for the Wheat Board. You cannot take the results in those areas and ascribe them to the whole population of Western grain producers.

The honourable senator talked about the percentage of the population that supported the mandate of the government. Senator Mercer was the National Director of the Liberal Party and, if my memory serves me correctly, the Liberal party formed majority governments within the 40 per cent range, or 38 per cent, so we should not get into that argument because it just does not hold water in any case.

The fact is that the people that did vote for the directors voted freely and they made their choice. The government is aware of their choice of directors, but we are proceeding with the plebiscite on barley early in the new year. The government will proceed with the next step after the barley plebiscite.

The fact remains that most farmers, even though they are on both sides, are well aware of our campaign commitment to provide Prairie wheat and barley producers with a marketing choice. No matter what side of the argument you are on, if one side is vehemently opposed to this and thinks it is right, does that side have the right to impose its wishes on the side that does not agree?

Senator Mercer: The Leader of the Government in the Senate, over the Christmas period when she has time to rest and to watch some television, may catch a late night rerun of last night's committee meeting. I would commend it to her. The honourable senator would see in every district where there was an election there were two candidates, one pro single-desk and one anti single-desk. In the large majority of those districts, the pro single-desk people won in a very large majority of about 60-40. The farmers have spoken, and it is time the government recognized that and, frankly, got off the Wheat Board's back.

• (1415)

Senator LeBreton: I hate to confess to Senator Mercer that I actually do watch this stuff. I have to get a life and stop watching these reruns on CPAC.

I was told by people who observed the meeting that the Canadian Wheat Board did not make a very convincing case, but I guess Senator Mercer will say that it is all in the eye of the beholder. My point is that it is an issue with strongly held views on both sides. From my vantage point, as a former child of an Ontario agricultural operation, I still do not see why we should not allow people who produce products to have the marketing choice about where they want to sell the products. It is such a no-brainer.

NATIONAL DEFENCE

PROCUREMENT OF AIRLIFT AIRCRAFT

Hon. Jack Austin: Honourable senators, I have a question for the Leader of the Government in the Senate. Actually, I wanted to ask it of the Minister of Public Works; he has been sitting there so quietly, not being interfered with by this side, I thought it was his turn. However, as he is not here today, I will address it to the Leader of the Government.

It is really a set of questions that our late colleague Senator Mike Forrestall asked me on October 18, November 22 and November 23 of last year. I always enjoyed Senator Forrestall's questions. He was quite knowledgeable about National Defence issues. He actually kept me up to date, although I was always running behind him to find the answers.

This question relates to the C-130J, which, it is clear from statements of the Minister of National Defence in the other place, is under serious consideration to be procured for the Canadian military. Of course, that aircraft, as Senator Forrestall knew, was being considered by the military when I was in the cabinet, and we had not completed our appraisals on the lamented day on which our government was defeated.

The question I am concerned about, however, is the same one that Senator Forrestall addressed, and that is an open and transparent process of procurement that provides the public with the comfort of knowing the reasons for which the aircraft is purchased and that it is the best plane for the purpose at the best price.

We have reports today that Europe's Airbus Military is proposing to sue the Canadian government over what it views as unfair tendering practices. It believes that it has not been given an open and level playing field in terms of competition with the C-130J, which is a Lockheed Martin aircraft.

Is the government assuring the Canadian public that the process will be and will remain open and competitive? To ensure that this is the case, because I know the minister cannot give a comprehensive answer at this moment, will the minister agree that the Standing Senate Committee on National Security and Defence would have the opportunity to examine Minister O'Connor and officials of the Department of National Defence and the Department of Public Works so that the public can be

convinced in the testimony they give that Airbus has indeed had a fair and equitable opportunity to compete for this contract?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, in June, the government announced that it would require authorized, urgent equipment acquisitions by the Canadian Forces for obvious reasons. This morning, I saw the article to which the senator has referred. As he noted, I am not in a position to answer in detail. I will take the question as notice. I am quite certain that the ministers responsible — Minister Fortier as Minister of Public Works and Minister O'Connor as Minister of National Defence — like all ministers, are more than happy to appear before any committee when invited.

• (1420)

Senator Austin: I thank the honourable leader for that answer. Three concerns have surfaced in the public domain: First, the American military are not prepared to contract for the C-130J; second, neither the C-130J nor the Airbus alternative has received its certificate of airworthiness; and third is the question of price. It is alleged that the government is proposing to pay exorbitant premiums in order to be the recipients of early delivery. I am not asking the leader to respond to those comments but, rather, I note that those issues will need be to considered.

Senator LeBreton: I thank Senator Austin for those comments. Certainly, I will include that information when the question is referred for a detailed response.

NATURAL RESOURCES

HAZARDOUS PRODUCTS ACT—PROPOSED NEW REGULATIONS FOR COMPOSITION OF ASBESTOS

Hon. Mira Spivak: Honourable senators, I have a question for the Leader of the Government in the Senate. For some time now, Canada has been promoting the so-called "safe use of asbestos," not for public health reasons but, rather, to fend off its foreign competitors in export markets. A briefing note for the Minister of Natural Resources clearly stated that foreign producers tolerate high-class Canadian producers because of Canada's leadership and credibility in promoting the sale of chrysotile. A director general for industry analysis said that Canadian companies are only marginally profitable and foreign competitors could easily drive them out of the international market but "there has to be something of interest to them to keep Canada in business."

The government recently proposed new asbestos products regulations under the Hazardous Products Act that are supposed to protect the health and safety of the public. However, in their new form, these regulations, according to the notice in the *Canada Gazette*, assist industry compliance in accordance with its safe use principle with regard to asbestos, which we know is also commercially motivated.

These regulations would apply to children's toys and educational materials. As long as those products do not contain crocidolite, which is blue asbestos mined chiefly in Zimbabwe, few restrictions will be imposed on their advertising, sale and import. Decades ago, the hazards of asbestos were determined by science using long-term epidemiology to examine Canadian workers exposed to Canadian asbestos.

I am not sure that the leader will have the answer to this question, and if that is so I would ask her to take the question as notice. On what scientific basis does this proposed regulation distinguish between Canadian asbestos, good, and Zimbabwe asbestos, bad?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Spivak for that question. I am delighted, as I am sure are all senators, that the honourable senator is back before the house in good health.

Hon. Senators: Hear, hear!

Senator LeBreton: Senator Spivak, chrysotile is the only asbestos fibre produced in and exported by Canada. Its production, transportation and use are rigorously controlled. I am aware of the situation in Zimbabwe. Canada has been working with its trading partners on effective implementation and enforcement of regulations that ensure low exposure levels and safe practices with chrysotile.

• (1425)

As the honourable senator may know, the parties from the Rotterdam Convention held in Geneva in October did not arrive at a consensus. They decided to defer consideration of listing chrysotile in the Prior Informed Consent procedure of the convention until the next meeting in 2008.

As the honourable senator may also know, Canada has asked the WHO, World Health Organization, to do a comparative analysis between chrysotile asbestos and man-made substitute fibres because any future decisions on listing of chrysotile must be based on, as the honourable senator would agree, sound scientific evidence.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I hereby give notice that, when we proceed to Government Business, the Senate will address the items beginning with Item No. 3, under Private Bills, followed by the other items in the order in which they stand on the Order Paper.

[English]

INTERNATIONAL BRIDGES AND TUNNELS BILL

THIRD READING

Hon. J. Trevor Eyton moved third reading of Bill C-3, An Act respecting international bridges and tunnels and making a consequential amendment to another Act, as amended.

[Senator Spivak]

He said: Honourable senators, I am pleased to rise during third reading debate of Bill C-3, an act respecting international bridges and tunnels.

We heard something of the act yesterday when that well-known free enterpriser, Senator Mercer, as well as Senator Tkachuk commented on the bill. I will try not to repeat their remarks.

As you have heard, the Transport and Communications Committee met seven times to study this bill, starting November 8, 2006, when they heard testimony from Minister Cannon and Transport Canada officials. The committee also heard from core stakeholders: the Bridge and Tunnel Operators Association, an association that groups 11 of Ontario's busiest crossings; the City of Windsor; the Canadian Transit Company, owner and operator of the Ambassador Bridge; and the Teamsters Union. These are the same stakeholders that made representations to the House Standing Committee on Transportation, Infrastructure and Communities. These stakeholders have in common, a direct interest with Windsor and Windsor border issues. Much of the discussion in committee, therefore, focused on Windsor, its current traffic problems, the need for additional border security, initiatives led by governments on both sides of the border and by private entrepreneurs to build the next border crossing, issues about how this new crossing will be financed and who will ultimately own it.

Honourable senators, committee members listened to the particular concerns expressed by each of these stakeholders. The committee heard the City of Windsor's desire to be consulted in connection with all decisions made by the federal government with respect to any international bridges and tunnels either new or existing in its territory. Committee members heard of the city's fear that Bill C-3 would allow the federal government to extend its jurisdiction over international bridges and tunnels to municipal roads leading to those structures. The owners of the Ambassador Bridge fear that the federal government will use Bill C-3 as a means to build a new crossing that will compete and ultimately run the existing bridge out of business. The Teamsters' concerns are for the safety, security and privacy of its workers currently employed by these structures. All of these concerns are legitimate.

The Windsor region supports much of Canada's and Ontario's trade with the United States, our largest trading partner. Canada's economy would definitely suffer without the international bridges and tunnels that facilitate that trade.

That being said, Bill C-3 does not only apply to the international bridges and tunnels in the Windsor area. It applies to all of Canada's international bridges and tunnels, totalling 24. Some are new and existing; some are privately and publicly owned. That is why we must keep the bigger picture in mind.

• (1430)

The existing international bridges and tunnels were built in a different age. While they continue to serve us well, they require ongoing maintenance and will need to be updated, if not replaced.

The issue of aging infrastructure and how to pay for the renewal of this infrastructure is not only a concern to Canada, but also an issue that plagues all developed countries. A simplified approval process for new construction and alteration, as Bill C-3 suggests, will facilitate the infrastructure renewal.

On the same note, the requirement that the federal government approve new international bridges and tunnels is not new. Every international bridge and tunnel that exists today needed permission from the federal government to be built. That permission was traditionally granted in the form of a special act of Parliament. That fact is reflected in the approximately 50 special acts listed in the schedule to the bill.

Bill C-3 does not change the fact that government permission must still be obtained. It does modify the manner in which the permission is to be given, replacing the need to ask Parliament for a special act with an administrative approval process similar to the presidential permit process that has been in place in the United States since the 1970s.

In committee, we learned that the U.S. presidential permit process is also going through changes. Presidential permits now must be obtained for all substantial modification to these structures and changes in their ownership and operation. The policy underlying Bill C-3 will be more consistent with what our American friends are doing on their side of the border. The department officials further informed us that the process Bill C-3 proposes will also serve to coordinate the various approvals and permits that must be obtained for any new construction, as is the case in the U.S. This new approval process will provide a more streamlined and efficient way to obtain these approvals, an added bonus for regions where the structures are urgently needed.

One of the main differences between Bill C-3 and its predecessor bills, Bill C-26 and Bill C-44, which the Senate did not have the opportunity to review, is the requirement that all transactions and resulting changes to the ownership or operation of the structures are now subject to government approval. It only makes sense that if we are increasing federal oversight powers with respect to maintenance, operation, safety and security of international bridges or tunnels, the federal government should also approve who owns and operates these structures. Under many original special acts, government approval is already needed for sales and transfers. These structures, whether they are owned publicly or privately, serve a public purpose. That is why the federal government should be involved in this aspect, as well as to ensure that they are owned by persons who do not pose security risks, or that do not have the long-term operation of these structures in mind.

Bill C-3 also speaks to the fact that the original legislation does not address modern-day concerns such as safety and security. My committee colleagues will agree with me that no stakeholder expressed concerns with government intervention in this regard. The application of consistent safety and security standards and best practices, as well as the sharing of related information between the international bridges and tunnels and the federal government, will further help protect against safety risks and security threats.

Honourable senators, I will end by saying that any time the government is given powers to intervene in an otherwise unregulated sector, we expect some negative reaction, in particular from those who have been operating without the burden of regulation. It becomes important to review whether those powers are reasonable in the circumstances, and whether they achieve the stated goals so as to be in the best interests of Canadians. In my opinion, Bill C-3 achieves a decent balance taking those factors into account.

Honourable senators, thank you for devoting the time to consider this bill. I encourage senators to pass it.

Senator Oliver: Hear, hear!

Hon. Norman K. Atkins: Would the Honourable Senator Eyton, take a question?

Senator Prud'homme: Of course. Two gentlemen.

Senator Atkins: Does this bill provide the mechanism that will speed up new construction between Windsor and Detroit, or does it slow it down?

Senator Eyton: The bill itself does not provide for acceleration of any particular project, but the process itself should allow for speedier consideration and approval of projects. A number of them are at hand right now.

Hon. Terry M. Mercer: Would Senator Eyton not agree that the retroactivity clause in this bill takes the Ambassador Bridge proposal for a second bridge and makes it now go through this new process, as opposed to just completing the process that they were almost through until this bill was drafted?

Senator Eyton: There is a section in the bill that tries to avoid retroactivity. It excuses any bridge or tunnel that is now operating from the full application of the act.

It is also true that those projects coming on will need to go through the approval process. The committee, in studying the matter, commented on that point in the observations, and will encourage speedy consideration so that the new projects can proceed as quickly as possible.

Senator Mercer: Would Senator Eyton not agree that the witnesses we heard provided some interesting testimony? The mayor of the City of Windsor came to us as the Mayor of Windsor, but as we talked to him, we discovered that he is not just the Mayor of Windsor but is also the chairman of a tunnel and bridge corporation that is publicly owned. Therefore, there was a conflict, because there is competition between the privately and publicly owned bridges.

I wonder whether the honourable senator did not find that testimony sort of curious?

Senator Eyton: That concern was expressed, but I have always taken the view that conflict revealed and transparent avoids much of the problem.

There is a process here. Obviously, it is not just the one individual who will be making the decisions. There is a concerted public interest in ensuring that we have not only the existing structures in place and working, but also new ones in place to provide redundancy and real competition.

All of us are on the same side. The conflict that the honourable senator has identified can be handled.

Hon. Jeremiah S. Grafstein: Senator Eyton, this may save the Senate time so that I will not have to speak on third reading. I would like to refer to the Senate debates of yesterday. Our learned friend Senator Tkachuk said the following, and I am reading from Hansard at page 1522:

... I also want to add that the Minister of Transport has asked me to convey to the Senate that upon passage of Bill C-3 the government will undertake to move as quickly as possible to ease congestion at all of Canada's bridge and tunnel crossings with the United States, particularly at Windsor and Fort Erie.

Later on, I requested an undertaking of him.

• (1440)

This appears on page 1523 of yesterday's Hansard. This is directed toward my honourable friend Senator Tkachuk:

Would the sponsor of the bill give the Senate of Canada assurance that the Government of Canada is committed to a speedy expansion of border crossings at the Windsor-Detroit and Buffalo-Niagara regions, which would be in the great interest of Canada's productivity and economy?

I ask the honourable senator if he is prepared to repeat those commitments on behalf of the government.

Senator Eyton: The question was posed to me, Senator Grafstein. Senator Tkachuk's answer yesterday was the one word, "Yes." I suppose I can repeat it by saying, "Yes." I also observe there are a number of projects going on now.

The honourable senator's concern is legitimate. I think the government had made the commitment given those projects need to proceed.

Senator Grafstein: In light of those commitments, I understand the complexity of the bill, but I want to reiterate one more time for the government that it is in our national interest to have those two major points expanded as quickly as possible. I understand the private interests. I understand the complex interests. I understand the quandary Senator Mercer has raised. However, in the national interest, it is in our interest to make sure those border points are expanded as quickly as possible.

In light of the government's commitment to do that, which I hope will bind subsequent governments as well, I am prepared to support this bill.

The Hon. the Speaker: Are honourable senators ready for the question?

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

JUDGES ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Stratton, for the third reading of Bill C-17, to amend the Judges Act and certain other Acts in relation to courts.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise again to speak on Bill C-17, dealing with judges' salaries and benefits at third reading.

Let me preface my remarks by saying that I do not intend to repeat what I have already said at second reading. Senator Meighen's remarks in introducing the bill largely match those made by Minister Toews before us. What I said on that occasion remains applicable. I would not modify one word of what I said.

When I concluded those remarks, I noted that this legislation was both extremely flawed and well overdue. As one of the members of the Quadrennial Commission on Judicial Compensation and Benefits, Earl Cherniak, Q.C., noted before the Standing Senate Committee on National Finance yesterday, it has now been two and a half years since the commission first issued its report. Our judges have been waiting that long for this legislation to reach the final stage of consideration.

It was this rush that caused us to take the extraordinary step of hearing from the commissioner and the Minister of Justice and Attorney General of Canada back to back before immediately moving to clause-by-clause consideration. While I am glad we were able to expedite this long-overdue piece of legislation, I feel through this bill the government may be causing a great deal of damage to the quadrennial process and interfering unfairly with the rights of Parliament. Worst of all, I fear it is furthering an attack on the rights and rules of our judiciary, which other senators have rightly mentioned is a source of pride for all Canadians and respected the world over.

Much has been said about judges over the course of this debate.

Honourable senators, my mother was a probation officer, and as a young child I used to often accompany her to the courts. I observed the robed judges wearing wigs in the courtroom making very stern and tough pronouncements. Later, I would observe them in their chambers with their wigs on the table, compassionately struggling with what the appropriate sentences should be.

Every Asian Ugandan as long as they live will relate that as long as the judiciary was able to function in Uganda, we were able to live in Uganda. We all have the memory of when our Chief Justice Benedicto Kiwanuka stood up to Idi Amin ingrained in our psyche. He never gave in to Idi Amin.

Justice Kiwanuka lost his life. He was forcibly taken directly from his courtroom by Amin's goons and shoved into the boot of a car. We never saw him again.

In Canada, this great country, we can truly take pride in the independence of our judiciary. Today, they work very long hours due to the increasing number of complicated trials, which involve thousands of documents. They start early to deal with pretrial motions, have a full day in court, and then sometimes have to deal with matters after court hours.

To add to their challenges, they increasingly have to deal with unrepresented claimants, which requires them to undertake the difficult task of being both judge and lawyer in a case.

Only today in *The Globe and Mail* there is a heading: "Judges told to help lawyerless litigants," by Kirk Makin. It reads:

The growing flood of litigants appearing in court without a lawyer has reached a point where judges should take special steps to help them, the Canadian Judicial Council said in a "statement of principles" released yesterday.

Further:

"The council views the increasing numbers of self-represented persons who appear in court system as a serious matter," Chief Justice Beverly McLaughlin, chair of the council, said in a commentary.

Honourable senators, in the last few years, we have observed how judges have stood up for what is right.

We have seen it in the *Air India* case when Justice Josephson took the difficult step of acquitting two people. This was a very courageous act, and he did it because he believed there was not sufficient evidence to convict.

Five years ago, we passed the Anti-terrorism Act, Bill C-36, very quickly. As long as I live, I will remember the words of the then Minister of Justice when she assured us publicly and privately that the legislation was "Charter proof." We believed her. I believed her. We passed the legislation.

Recently, Justice Rutherford in *R. v. Khawaja* struck down parts of the definition of terrorist activity, saying that it is:

...not only novel in Canadian criminal law but...constitutes an infringement of certain fundamental freedoms guaranteed in section 2 of the Charter of Rights and Freedoms, including those of religion, thought, belief, opinion, expression and association.

Honourable senators, yesterday, and a few months ago before that, Justice O'Connor returned Maher Arar's life to him by standing up for what was right. He stood up for a lone man and declared that Maher Arar was not a terrorist. Justice O'Connor not only assisted Arar, but a whole community was given hope that in our great country no one is above the law.

Honourable senators, I want to now turn to some of the issues that were raised at second reading. As I said before, I do not believe many of these issues have been addressed and, indeed, the committee members raised a number of new issues in their observations.

One issue I want to put on the record, because I think it is a very important point for many of us here, is the issue that Honourable Senator Grafstein raised at second reading concerning a potential of conflict of interest in the quadrennial commission process. Mr. Cherniak, who had been appointed as the nominee of the judges, was asked the following in committee by Senator Murray — who I quote only in part for the sake of time. Senator Murray asked:

What would we lose if we changed the membership to exclude a representative of the judiciary?

Mr. Cherniak responded:

I am not a judge. I have never been a judge, and I do not expect I ever will be a judge, and I have no aspiration to be a judge. I reject the suggestion that I was a representative of the judiciary on the commission. I was the nominee of the judiciary. They have to nominate someone. That is the way the statute reads.

He went on to say:

The commission is formed by a nominee of the government, a nominee of the judiciary and, to secure the independence of the commission, those two nominees chose the chair. I can assure you that all three members of the commission took the view that they were in no way the representative of the body that nominated them.

• (1450)

Honourable senators, I am satisfied that the spirit of impartiality is being respected in the quadrennial process.

As to another matter that I raised when I spoke earlier on second reading, as to revisiting the decision made by the former government on the salary, Mr. Cherniak's remarks on the process accord entirely with my own assessment. He says:

I do not think this government can legitimately do what it has done: that is, to revisit the recommendations of the commission two years after the fact and long after the government of the day had already responded.

Honourable senators, the Judges Act clearly states that the government has six months to respond to the report of the quadrennial commission. The limit was respected by the previous government, which accepted the main recommendation of the committee on judicial compensation.

Upon coming to power, the new government said that it would re-examine this response, and ultimately rejected the main recommendation, returning to the original position that is expressed in this bill.

The Justice Minister clearly wishes to avoid the subject altogether. Yesterday, he said:

Is our government functus because another government made a decision? I prefer not to get into that legal entanglement.

Well, of course he does not. He is wrong.

In response to the question from Senator Cowan on this topic, the minister said:

The government is required to look at all the facts available to it. I believe there is nothing preventing the government from looking retroactively at what the commission has determined and having the benefit of that insight that has occurred as a result of the passage of time.

With all respect to the minister, it is the Judges Act that prevents them from looking retroactively at what the commission has determined. The timelines are clear. His suggestion that the

government should benefit from the insight gained through the passage of time is especially difficult to reconcile with the spirit of the law. These time limits were meant to ensure that the recommendations of the commission were addressed in a timely manner. When the government says it needs the benefit of over two years of 20/20 hindsight to properly assess the report, it risks causing real damage to the quadrennial process. We now have to wonder how the next quadrennial commission will operate, considering it will be starting its work so shortly after action on the previous commission was implemented.

The minister then intimates that it really does not matter, because the government's position is just a recommendation to Parliament. The minister says elsewhere that his government invited the committee in the other place to make a recommendation. He says that they did not do so because they simply could not agree for one reason or another. He further goes on to say that he does not remember all of the details of the fight. Let me respectfully remind Minister Toews, and this chamber, that there was no fight. When an attempt was made to restore the commission's salary recommendation, the government member chairing the committee simply ruled the motion out of order.

Despite Minister Toews' repetition of the proposition that it is up to Parliament to fix the salary of the judges, he knows that his government has effectively tied Parliament's hands by refusing to commit to a Royal Recommendation should Parliament differ with the government's position.

Parliament's authority is even further usurped by the fact that the Justice Minister has chosen to attach unrelated amendments to other acts to this bill. As our committee points out, this is a clear attempt to tie the hands of parliamentarians, presenting technical amendments with these long overdue changes to the Judges Act and forcing us to accept the whole package. Were it not for time constraints, I might be persuaded to support Senator Joyal's suggestion of splitting this bill into its component parts. However, we learned during the debate on the animal cruelty bill in a previous session that this is a very complicated process, and time simply will not allow it.

As a final point, I am very troubled by the way the justice ministers in our country have started to muse about our judiciary. Yesterday, in committee, the minister was asked about his attitude and some of his statements regarding the judiciary. He responded by saying that he was not the only one, and he gave the example of the Minister of Justice in my province of British Columbia.

The Minister of Justice in my province had commented on the working day of judges. Minister Oppal of B.C. had asked why trials start at 10 a.m. and not at 9 a.m. I know Mr. Oppal; I know Minister Oppal knows the answer to that question as well as I do. His government has cut back court staffing and sheriff services. His government has failed to provide pre-trial holding facilities in downtown Vancouver. Prisoners, who must be present at their own trials, must be brought in from the Fraser Valley every morning, and they seldom arrive in time. Judges cannot start trials earlier than 10 a.m. in Vancouver because government cutbacks have made it impossible for them to do so.

I should also point out that I know, and I know Minister Oppal knows, that notwithstanding these difficulties, superior court judges start their working days early and are often in their

courtrooms by 9 a.m. on motions and other civil matters. Minister Oppal also knows that judges' sitting time is only a fraction of their working time. Every week, dozens of considered written decisions are posted on the court website. They do not come out of thin air, and they are not prepared while judges are sitting in court. Judges spend many evenings and weekends at work.

It is unfortunate that Minister Toews seems to take some comfort in this unfortunate incident, but it is not surprising. I will make one more observation that sums up Minister Toews' attitude, and that of this government toward our judiciary. In answer to a question from Senator Cowan, Mr. Toews said this:

I think despite the fact that the Supreme Court of Canada outlined this process for the commission to make these determinations, it must be remembered that this was a process that has been somehow constitutionally grafted into our Constitution. It does not appear anywhere in the same way that section 100 does in the Constitution Act, 1867. Section 100 of that Act clearly indicates constitutionally that it is the responsibility of Parliament to set that compensation so we have to then meld the constitution doctrine imported into this whole process by the court in the Prince Edward Island Judges' Reference Case and as defined in the *Bodner v. Alberta* decision.

The process was not "somehow constitutionally grafted" into our constitution. Honourable senators, the issue of the responsibilities of legislatures was submitted to the courts in those cases. The courts were simply doing what they were constitutionally obliged to do in interpreting those responsibilities.

As I said in my remarks at second reading, section 100 imposes a responsibility upon Parliament to fix judicial remuneration —

The Hon. the Speaker: The honourable senator's time has been exhausted.

Senator Jaffer: May I have two minutes?

Hon. Senators: Agreed.

Senator Jaffer: — at a level which appropriately reflects the crucial place of the courts in our democratic system. Section 100 is not an unfettered prerogative. That is all the courts have said.

I am very reluctantly agreeing to support this bill. We, of course, cannot change the percentage increase in this house as it is not within our powers.

Honourable senators, today, in my presentation, I would be remiss if I did not acknowledge another great jurist, former Supreme Court Justice Thomas Dohm. When I first came to this country as a refugee, in my first month I was flatly refused by the Law Society of British Columbia when I asked them to assess my credentials as a lawyer. I was very fortunate, at that time in 1974, that a great jurist, Tom Dohm, came to my aid. I have been working for him for the last 30 years. Honourable senators, I am here with you today because of the work of that great jurist, Tom Dohm, who took on the law society in my province. Judges truly work for all Canadians; Canadians from all walks of life. We Canadians should be very proud of them.

Therefore for me, this is not a happy day. The process for fixing judicial remuneration has not been respected by this government. However, we must nevertheless support the immediate passage of this bill because we recognize that even more harm can come from any further delay.

• (1500)

Hon. Jeremiah S. Grafstein: Honourable senators, again I beg your indulgence. I happen to have been a critic of both the Bridges and Tunnels Act and the Judges Act, and I would like to conclude my comments by covering some of the ground that we discussed yesterday, and that the previous speaker just commented on.

Let us start with this: Justice delayed is justice ignored. Just as we ask judges for justice without delay, so we must be just to judges in giving them their timely compensation. Our quandary, however, is the process. The Judges Act and this amendment to it beg serious questions. I intend to return once again to the Constitution, because it makes absolutely clear that judges' compensation is a question for Parliament. This is not contested. I listened carefully to the arguments made by other senators about the judicial precedence dealing with judicial compensation, but on a fair reading of it, there is no question at all that Parliament is supreme when it comes to judicial compensation.

However, it is clear that, over the years, judges have become frustrated by the delays in their compensation and they were very unhappy with the process of adjudging their compensation, and so they sought to intervene in their own courts by judicial precedent.

Let me turn to a recent article by an outstanding legal scholar to again give the Senate a flavour of this issue and how the court, on the one side, and legal commentators, on the other side, have thought about this issue. This is a brief article written by Professor Jacob Ziegel of the University of Toronto Law School.

Again, I want to state my conflict of interest. I came from that esteemed institution. Having said that, I quote Professor Ziegel's comments with great interest, and I think they will be of interest to the Senate.

The title of the article is *Judicial Compensation Review, Light at the End of the Tunnel?* He says:

In 1998, the Supreme Court of Canada decided in the *Prince Edward Island Reference* case that the federal and provincial governments were obliged to establish independent commissions to make periodic recommendations with respect to the salaries, pensions and other benefits to be paid to federally and provincially appointed judges. The Court justified its novel interpretation of the Canadian constitution on the ground that independence of the judiciary was a cornerstone of Canada's legal system. Accordingly, judges could not engage in salary negotiations with federal and provincial governments without appearing to compromise their impartiality in cases to which the Crown was a party.

Chief Justice Lamer made it clear in the course of his majority judgment that governments were not obliged to accept a commission's recommendations, but that if a

government elected to reject the recommendations it had to give reasons for its decision and that the decision could be challenged in court. If it was challenged, the test of the reasonableness of the decision was one of "simple rationality."

That inner tension in the Supreme Court's judgment in the *P.E.I. Reference* case laid the groundwork for a flurry of court cases from coast to coast challenging the validity of provincial government decisions not to implement all or part of a commission's recommendations. The litigation reached a crescendo in four consolidated appeals from New Brunswick, Quebec, Ontario and Alberta that argued before the Court last fall.

This is a current argument, so that means this last fall.

The key issue in all four cases was when a court is entitled to reject the reasons given by a government for refusing to implement a commission's recommendations. The Court's unanimous judgment rendered this July is a major setback for the strategy successfully employed by the aggrieved judges before the lower courts and a major victory for provincial governments.

The Supreme Court adopted a three-part test to determine whether a government's refusal satisfies the test of rationality. None of them are difficult to meet. Even more important was the Court's emphasis that the allocation of public funds is governmental responsibility, not the courts'. So far as the present appeals were concerned, the Court found that out of the four challenged refusals only the Quebec government's reasons failed to pass the rationality test. However, even in Quebec's case, the Court made it clear that the Quebec courts were not entitled to give effect to the Commission's recommendations because they weren't satisfied with the Quebec government's reasons. The correct remedy, the Supreme Court ruled, was for the court hearing the case to ask the nonconforming government to give further and better reasons for its decision. (The Court did not explain what the result would be if the respondent government gave a second set of inadequate reasons.)

He concludes by saying:

The federal and provincial judges' associations probably feel that the Supreme Court's pronouncement in the current cases has undermined the Court's 1997 judgment. My own view is that the Court corrected the false impression left by an earlier judgment and that it was right to resile from a position that appeared to make the courts judges in their own cause and led them into direct conflict with the federal and provincial governments in a particularly sensitive area of public policy.

Honourable senators, I generally agree with that statement, and it strikes me that we do have a light at the end of the tunnel.

Let me now turn to the excellent work done by the finance committee under the chairmanship of Honourable Senator Joseph Day. Last night, I read the transcript in full. I ask all senators who are interested in this question to read the transcript. Some of the points they will be interested in and some they will find intriguing.

I want to start with the comment by my learned friend Earl Cherniak, in response to a question asked. This appears on page 6 of the transcript of the Standing Senate Committee on National Finance, Tuesday, December 12. Remember, Mr. Cherniak's position is that he is a nominee of the judges; that he is there in his own capacity. I think yesterday honourable senators heard my argument about that. If he is there in his own capacity and does not represent the judges, why is it necessary for the judges, notwithstanding the mandate of the commission, to nominate a judges' representative?

Mr. Cherniak said:

It is also important, in my respectful submission to this committee and to Parliament, that Parliament clear the air and reaffirm the integrity of the commission process to remove judicial compensation from the political arena.

He goes on to say this:

The removal from the political arena is constitutionally mandated and necessary for all the reasons set out in the *P.E.I. Reference* by the Supreme Court of Canada. Otherwise, there is a real danger that the current carefully crafted process, enacted by Parliament in 1999 in response to the failures of the earlier reports, will go the way of the failed triennial commissions, will breed cynicism in the judiciary and the public and will compromise the credible constitutional and democratic principle of an independent judiciary.

I think that that is a brilliant statement, and I disagree with it. I think that Parliament is Parliament. If it is a political process, it is a political process. If the Fathers of Confederation decided that Parliament should opine on this, so be it. I understand the artful nature of his response, but I thought it was important, for the purposes of this debate, to generally and respectfully disagree.

I hope that the government will now, having in mind this debate, finally re-examine the makeup of the quadrennial commission — that is four years away. It will happen again next fall. There is ample time — and in the process, that they examine the best practices of the United Kingdom, Australia and the United States, which essentially establish truly independent commissions to give advice, and also apply it across the board for other public servants. I would hope that they would look at this situation and come forward with a new commission that, to my mind, is free of any question at all about judicial participation. There is no question at all in my mind that judges are entitled to make recommendations to that commission, but I think it would be a fair and more independent process.

• (1510)

I want to turn to my friend Senator Nolin. I thought he was very gracious when he offered to the Senate to change the compensation of judges. I was tempted to stand up and accept that, because I feel that judges must be properly compensated. I am not satisfied with the rationale given by Mr. Toews, but he was careful and succinct. I do not want to question the public purse because we do not have access to all the ramifications of the public purse. *Prima facie*, we are in surplus, and an extra \$33 million to the judges, in this day and age, will not set an unreasonable precedent.

Having said that — and I say this kindly to my respectful friend Senator Nolin — this chamber, notwithstanding this very tantalizing offer, cannot accept it. We cannot accept it because we are constrained by our constitutional limits. We can vote this bill up or we can vote this bill down, but we cannot increase this bill because we are not a money house. I say to him notwithstanding that grand offer, had that grand offer been made to the other side they could have accepted it but we unfortunately cannot. However, I thank him very much because I think it indicates to him the generosity of spirit we have shown on this particular measure.

I will turn to another equally troubling practice that troubled all members of the committee. I am troubled by it as well, and when I read the transcript it troubles me even more. It is this practice that has been partially defended in this house about sticking things in legislation that have no place in the particular legislation. I looked at the comments of Senator Cowan and Senator Fox. I looked at the chairman's comments about this and I could sense in the questions — and they were very astute questions — how unhappy they were that the Department of Justice and the Minister of Justice had taken this opportunity to put things in this bill that should not be in this bill. I notice senators nodding with approval. No one is comfortable with this bill. Let me turn again to the transcript because this is really troublesome. I will be brief.

Honourable senators, it is at page 86. This is great midnight reading by the way. This is the Justice official and here is what was said about mixing apples and oranges in this particular bill. Ms. Bellis responds to a very learned question by Senator Cowan. Senator Cowan asked:

I heard the minister say that there were substantive amendments which could not be brought in through the amendment act to which Senator Fox referred.

Again, Senator Fox opined on the same question so both were on the trail of this question.

You referred to them as technical amendments.

Here is what Ms. Bellis said, on page 86 of the transcript:

The policy of the legislative drafting session treats the use of the Miscellaneous Statutes Amendments Act in a very narrow way.

By the way, I concur with that and I think we all concur with that.

Anything they think parliamentarians might have a question about, even if it is a technical one which might be rendered to have a policy aspect to it, they will essentially tell us no, you have to find a vehicle that will go through the full legislative process.

We agreed with that. There is no question about that.

Later she says, again in response to Senator Cowan:

This is a good example, senator. This is a technical amendment that essentially clarifies a matter that was not specified in the act, which established the tax court as a superior court. That was Bill C-30 which created the Courts Administration Services Act.

Then she goes on to say:

While it is technical, someone asked are you changing the nature of what a person needs in terms of a procedure? It is not judicial review, it is now appeal. Someone might want to ask the question.

Again, Senator Cowan questioned that, and this goes on and finally we find, I think a brilliant interjection by Senator Rompkey, who always gets to the point. Here is what Senator Cowan said:

It has nothing to do —

He concludes, very learnedly.

— with judges' salaries. These are not amendments which are consequential to adjusting salaries or benefits for judges.

We all agree, those amendments, those things had nothing to do with this act and then Senator Rompkey in his astute way from the learned province of Newfoundland says "bootlegging."

Senator Cowan repeats:

Bootlegging. That is the term I was looking for. Leave it to a Newfoundlander to come with up with the right term. It is not a term that is familiar to us in Nova Scotia.

I am not sure I agree with that statement.

Having said all that, I think we have made an outstanding case to the Department of Justice so I say this: The hour is late, justice delayed is justice denied. Judges are entitled to their equity. We will give them their raises. We are not satisfied with their raises, we will give them their raises but, honourable senators, and I point to the government benches because we have been on the opposite side and we have heard it from our government so I say to you on your side, this act is simply bad legislative practice. It is bad, bad, bad. It is bootlegging bad.

The other place is noted for its careful scrutiny of legislation. We know that. In this instance somehow they missed. They did not say a word about one half of this act. Yet, what are we to do? What are we to do in these circumstances? I will support this bill because of the equity to our judges but I trust that the Minister of Justice and the Department of Justice and the senior legal advisers will not perpetuate this bad, bad practice.

Senators will be here, senators will wait, senators will watch and we will push back any future attempts to give us sloppy, unhappy, bad legislation. We are not in favour of bootlegging in this chamber.

Finally, in conclusion, I cannot fail to use this opportunity to talk about *ex cathedra* comments by judges. There are two schools of judicial *ex cathedra* statements where a judge takes his or her robe off and speaks to the public. I say, honourable senators, that I am from the Laskin school and the Laskin school says that judges speak through their cases. I am not of the John Sopinka school, who was also a classmate of mine, the late John Sopinka, a very distinguished Supreme Court judge who passed away a few years ago, a very untimely death and, my golly, my law school

companion and friend, disagreed with me. He felt that judges had a right to speak out. I gave him book and verse of the long history of the idea that if judges are to be a place apart, if they are to be offered immunity, if they are to be provided a special place in our society, they are to speak through their cases. I conclude by saying, I say it once again, I want to thank all honourable senators for their indulgence and patience. I support this legislation.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Hon. Mira Spivak: Honourable senators, I simply want to be recorded as abstaining on this motion.

Motion agreed to and bill read third time and passed.

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Charlie Watt: Honourable senators, I rise here today to speak to Bill S-4, which was referred to a special committee to study the subject matter. This bill proposed an eight-year term for future senators.

The committee was empowered to undertake to study and consider if the bill is constitutionally sound and does not require provincial consent. The amendment is the first stage of a more extensive reform leading to the process of selecting senators. Similar to the other complex institutions, each element interact and rely on others. It is neither a democratic nor realistic to reform the Senate piece by piece. If the honourable senators looked at the eight-year term proposition as a stand-alone measure, one does not need provincial consent according to what we heard from the witnesses.

• (1520)

The Hon. the Speaker: I apologize for interrupting the Honourable Senator Watt, but the table advises the chair that he has already spoken on this bill. He may want to seize the opportunity to speak on the report, which comes a little later.

Senator Watt: Thank you.

On motion of Senator Cools, debate adjourned.

[Translation]

INFORMATION COMMISSIONER

MOTION TO APPROVE APPOINTMENT OF MR. ROBERT MARLEAU ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 5, 2006, moved:

That in accordance with section 54 of the *Access to Information Act*, Chapter A-1, R.S.C. 1985, the Senate approve the appointment of Robert Marleau as Information Commissioner for a term of seven years.

Motion agreed to.

[English]

THE ESTIMATES, 2006-07

INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES ADOPTED

The Senate proceeded to consideration of the sixth report (second interim) of the Standing Senate Committee on National Finance (Estimates 2006-07), presented in the Senate on November 29, 2006.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, this is the report that I referred to yesterday when I spoke on Bill C-17 dealing with judges' compensation. This is the background study that was done by the Standing Senate Committee on National Finance. It is entitled *Provisions to Safeguard the Independence of the Judiciary and the Determination of Judicial Compensation and Benefits*. It provides a very good background on federal judicial affairs and the various committees and commissions that relate to our judiciary.

There are no recommendations in this particular report, honourable senators. It was intended for background information. I believe it does provide that and was helpful with respect to moving Bill C-17 through this chamber. I would respectfully request your support in adopting this report.

Motion agreed to and report adopted.

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Charlie Watt: Honourable senators, I rise today to speak to Bill S-4, which was referred to the Special Senate Committee on Senate Reform to study the subject matter. This bill proposes an eight-year term for future senators.

The committee was empowered to consider if the bill is constitutionally sound and does not require provincial consent. This amendment is the first stage of a more extensive reform leading to a process to select senators. Similar to other complex institutions, each element interacts and relies on others. It is neither democratic nor realistic to reform the Senate piece by piece.

If honourable senators look at the eight-year term proposition as a stand-alone measure, one does not need provincial consent, according to what we heard from the witnesses. This opinion could be different if we look at the bill with a future process that is not yet known. As such, for any clear judgment to be made on Bill S-4, we need a complete picture of the statement made by the Prime Minister indicating an upcoming bill.

During the course of examination, an important Aboriginal concern came to light with a helpful comment made by Senator Dawson, who discovered that Nunavik, a region comprising the northern tip of Quebec, is not in a senatorial district and so its inhabitants are not legally represented in the Senate. The reason for this is because Nunavik was not officially part of the province of Quebec when Senate seats were allocated in 1867. While the boundaries of Quebec were extended in 1912 to include the territory of Nunavik, it is clearly unacceptable that still today, 100 years later, Nunavik is not legally represented in the Senate.

Honourable senators, this is a question of democracy. What will happen when senators are elected? Will the inhabitants of Nunavik be eligible to be senators?

All honourable senators understand the paramount concern is to ensure that all Canadians are represented in the Senate. This is an essential characteristic of the upper chamber.

Disregarding Nunavik would be contrary to the reasons on which the Bill S-4 is based. As advocated by the Prime Minister, such reform will make the Senate more democratic, more accountable and more in keeping with the expectations of Canadians who, as we all know, are not all satisfied with the status quo. He emphasized that Canada needs an upper house that gives voice to our diverse regions. Canada needs an upper house with democratic legitimacy, and I hope we will work together to move towards that enhanced democratic legitimacy.

Honourable senators, we cannot go further with this bill before we find a means to ensure that Nunavik is represented. We do not know the consequences without knowing what this legislation will bring. Will it be a process of selection or election?

One concern I have with Bill S-4 is the lack of transitional provisions. As we all know, the purpose of this bill is to limit new senators to eight-year terms, while current senators will continue to be subject to the mandatory retirement age of 75. This requires an in-depth examination.

In my opinion, the future process to select senators or use other means will probably require a constitutional amendment with the consent of the provinces. Despite what we heard from the witnesses at the committee, I came to the conclusion that it would require provincial agreement. We can assume that such negotiations, if negotiations take place, will take many years. The problem is that, at the same time, the democratic

representation of the Senate will dramatically shrink through retirement over the next few years. This transitional problem is a matter we need to address.

Let me stress again how important it is to have a complete picture before we can proceed with Bill S-4 on the basis of stand-alone legislation.

The Speech from the Throne stated that the government was committed to explore means to ensure that the Senate better reflects the democratic values of Canadians and the needs of Canadian regions. This is, to me, a piecemeal, incremental, step-by-step approach to Senate reform that will lead us to unknown consequences. There is a strong enough indication that Bill S-4 is much more than stand-alone legislation.

I do have sympathy towards the provinces that are not represented according to their current population, and we need to address this issue. However, now, as you know, I am, in the Senate, defending my people, and I do not even legally represent them. This is my first priority.

Honourable senators, first, we should not proceed until we have a clear idea of the upcoming, closely related piece of Senate reform the Prime Minister is embarking upon. Second, we should not proceed until Nunavik is legally represented in the Senate. Finally, we should not proceed with the bill without transitional provisions to maintain the democratic characteristic of the Senate.

• (1530)

Honourable senators, for those reasons, I propose that the bill itself be suspended until we see the next bill from the House of Commons concerning the process to select senators. In my opinion, this is the logical and reasonable thing to do.

Honourable senators, I would like to go a step further and make mention of a press release today from the Prime Minister's Office. I would like to put it on the record. The heading states, "Prime Minister moves forward on Senate reform" and reads as follows:

Prime Minister Stephen Harper has announced that Canada's New Government will introduce a bill in the House of Commons today to establish a national process for consulting Canadians on their preferences for Senate appointments. The bill will see voters choose their preferred Senate candidates to represent their provinces or territories.

Here, honourable senators, the Prime Minister is stating the fact this proposed legislation will be for the provinces and the territories.

"This bill will make the Senate more democratic and more accountable," said Prime Minister Harper in a speech to his caucus. "For the first time, it will let the Prime Minister give Canadians a say in who represents them in the Upper House."

The Senate Appointment Consultations Act represents another step in a comprehensive plan to make government more accountable. The Prime Minister noted that the bill

was being introduced the day after the government's Federal Accountability Act received royal assent. Canada's New Government has also introduced legislation to limit Senators' terms to eight years.

Details about this new bill will be released when it is introduced in the House of Commons later today.

Honourable senators, that press release reinforces what I am saying here. We cannot look at this issue on a piecemeal basis. This proposed bill is important enough for us to take into consideration along with what has been tabled up until now.

On motion of Senator Fraser, debate adjourned.

[Translation]

FIRST NATIONS GOVERNMENT RECOGNITION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Segal, for the second reading of Bill S-216, An Act providing for the Crown's recognition of self-governing First Nations of Canada.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move that the bill be read the second time.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Aboriginal Peoples.

[English]

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-210, to amend the National Capital Act (establishment and protection of Gatineau Park).—(*Honourable Senator Comeau*)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Spivak, bill referred to the Senate Standing Committee on Energy, the Environment and Natural Resources.

[Translation]

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-219, An Act to amend the Parliamentary Employment and Staff Relations Act.—(Honourable Senator Comeau)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, some very important questions are raised by this bill. I am certain that we would not wish to miss an opportunity to discuss it in the chamber. I move to take the adjournment of the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

On motion of Senator Comeau, debate adjourned.

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-209, An Act concerning personal watercraft in navigable waters.—(Honourable Senator Comeau)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, some very important questions are raised by this bill. Senator Angus plans on speaking at length on this bill tomorrow. I always enjoy listening to Senator Angus when he speaks. I move to take the adjournment of the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

On motion of Senator Comeau, debate adjourned.

[English]

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE
ON MOTION TO AMEND—MOTION IN AMENDMENT—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser, for the adoption of the second report of the Special Senate Committee on Senate Reform (motion to amend the Constitution of Canada (western regional representation in the Senate), without amendment but with observations), presented in the Senate on October 26, 2006;

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Campbell, that the second report of the Special Senate Committee on Senate Reform be not now adopted but that the motion to amend the Constitution of Canada (western regional representation in the Senate), be amended as follows:

(a) by replacing, in the third paragraph of the motion, the words "British Columbia be made a separate division represented by 12 Senators;" with the following:

"British Columbia be made a separate division represented by 24 Senators;"

(b) by replacing, in clause 1 of the Schedule to the motion, in section 21, the words "consist of One hundred and seventeen Members" with the following:

"consist of One hundred and twenty-nine Members";

(c) by replacing, in clause 1 of the Schedule to the motion, in section 22, the words "British Columbia by Twelve Senators;" with the following:

"British Columbia by Twenty-four Senators;"

(d) by striking out, in clause 2 of the Schedule to the motion, in section 27, the words "or, in the case of British Columbia, Twelve Senators;" and

(e) by replacing, in clause 2 of the Schedule to the motion, in section 28, the words "exceed One hundred and twenty-seven." with the following:

"exceed One hundred and thirty-nine."
—(Honourable Senator Murray, P.C.)

Hon. Lowell Murray: Permit me to say, first of all, honourable senators, that Senator Austin and I have put forward a motion in the spirit of and we believe in the Canadian tradition of honourable compromise to solve a serious and potentially divisive problem.

Happily, the speeches that we heard in this debate on Monday night by Senator Hubley and Senator Tkachuk served to place in stark relief two quite contrasting or opposing perspectives on the problem and on this motion.

Happily also, in my submission, the speeches that we heard from our friends Senator Hubley and Tkachuk also, in their way, pointed up the need for honourable compromise. I submit it also pointed out the merits of the compromise that Senator Austin and I are proposing to the Senate.

To take the second speech first, Senator Tkachuk argued, as had Senator Carney, some days before, that the proposal of Senator Austin and I does not go far enough. Instead of the additional 12 seats in our amendment, they would add 24. To that, I would say that this motion, the Austin-Murray motion, if it passes would not be the end of a process, but rather the beginning.

• (1540)

Senator Austin and I wanted to put forward the formula that we believed had the best chance of passing the first test in that process, namely the approval of honourable senators. Then, there will be ten provincial legislatures and the House of Commons to be heard from in the amending process. Senator Austin and I have said from the beginning that if another, different consensus emerges among those 11 other players in favour of a different formula to achieve the same objective, we would defer to it and ask the Senate to do so. However, we wanted to submit a formula that honourable senators would consider fair, equitable and reasonable. We want to get a process started, and we do not want it stopped in its tracks in this place. We do not want to court failure in the Senate on a matter of substantive and symbolic importance to Western Canada and, therefore, to national unity.

Senator Hubley and others are understandably concerned lest an increase in western representation unduly weaken their province or region in the Senate. I believe that our proposal goes some way to correct the imbalance from which Western Canada suffers with minimum adverse consequences for any other region. British Columbia would rise to 10.3 per cent of this chamber; Alberta to 8.5 per cent, from 5.7 per cent as at present; Quebec and Ontario would each lose a little over 2 per cent of their weight; the Atlantic provinces would lose 3 per cent of their weight, collectively, but would still be at 25.5 per cent of the Senate, which is considerably more than any other region. I submit that the cost of these changes to the other regions is very small compared to the size of the imbalance that we are trying to correct, and compared to the relative improvement in the representation of the West.

I spoke of the Canadian tradition of honourable compromise, on which this motion is being offered. We know that the Senate exists because of a compromise achieved in 1867 — the need to address the concerns of Quebec and the Maritimes that they would always be outnumbered in a House of Commons based on representation by population. We must recognize, however, that over the years the principle of representation by population in the House of Commons has, in practice, been compromised, and substantially so in the interests of the smaller provinces and to their benefit.

In 1915, as Senator Hubley reminded honourable senators on Monday night, the so-called "Senate floor" was brought in,

which provides that no province can have fewer seats in the House of Commons than it has in the Senate. The provision, which could only be changed by a constitutional amendment, now gives four provinces nine seats in the Commons that they could not have under real representation by population. In 1985, a Representation Act was passed that further dilutes the principle of representation by population in the Commons. That act, which could be changed by Parliament acting alone, gives five provinces 18 seats that they would not have under real representation by population. Together, the 1915 Senate floor and the 1985 grandfather clause give seven provinces 27 seats that would not exist in the House of Commons if the principle of representation by population were fully respected.

The proportion of seats in the Commons held by British Columbia, Alberta and Ontario is smaller, as a result. Let me add that it is to the credit of Parliament and of our country that those changes to representation by population, although they represent dilution of a key democratic principle, did not set off an acrimonious and divisive debate in which Canadians and their parliamentarians took sides as so-called "winners" and so-called "losers." Those MPs and senators from British Columbia, Alberta and Ontario who had to face a dilution of their province's weight in the Commons were persuaded, nevertheless, of the need to compensate for certain historical, economic or political disadvantages facing other parts of the country, and they accepted those compromises and others in the interests of harmony, reconciliation and the greater good of Parliament and the country. At no time did those MPs and senators from Ontario, British Columbia and Alberta treat Confederation as a zero sum gain in which a little gain for one part must always mean a loss for somebody else. That was not their attitude.

It has been thus with most of the compromises — I would say with all of the compromises — that we and our predecessors in Parliament have had to make for the greater good of Canada. The accommodation of religion, language and culture was at the heart of the 1867 compromises, of which parliamentary bicameralism was as vital a part as the division of legislative powers between the two orders of government. The Official Languages Act and the language and education provisions of the Charter made those concepts a reality for our time. Multiculturalism came later. Equalization is in the Constitution not only because the Atlantic provinces pressed for it but also because one of its strongest provincial supporters was former premier Peter Lougheed of Alberta. The 1982 amending formula was a huge compromise, as was the notwithstanding clause in the Charter of Rights and Freedoms.

[Translation]

Honourable senators, we must no longer tolerate the imbalanced representation of the Western provinces, particularly British Columbia and Alberta, in this chamber. It is simply indefensible, and you will have noticed that, during this debate, no one has attempted to justify maintaining this imbalance.

Put yourself in the place of a Canadian citizen in British Columbia or Alberta. How could you look with confidence and without frustration at one of your so-called national, federal, parliamentary institutions where you are so clearly under-represented? The fact is that the Senate has and will continue to have very little credibility in the West as long as this injustice persists. That is why I am asking you to take the

initiative in the Senate to rectify this situation. We have the right, the responsibility and the opportunity to set the amendment process in motion ourselves and propose a reasonable, equitable solution to our colleagues in the House of Commons and the provinces.

We all know how pointless it would be to wait for mega-constitutional negotiations with multiple agendas.

The beauty of Senator Austin's motion is that it has only one objective: to correct the under-representation of Western Canadians in this chamber. Our partners in the other place and the provinces will be able to debate our amendment without worrying about how it affects other constitutional issues.

[English]

The motion that Senator Austin and I have placed before honourable senators would have the Senate take the lead in proposing a relatively small compromise to correct a large inequity in our chamber. There have been good speeches in this debate and valid concerns expressed. However, none of us could deny the existence of a serious imbalance in this house or defend its continuance, not in any debate in British Columbia, Alberta or anywhere else; not in any debate where fairness is the issue; and not in any discussion of the purpose of the Senate in our parliamentary and federal system.

I do not know what the fate of this motion might be in the House of Commons or in any provincial legislature. I am certain that it will be to senators' honour and credit that the Senate took the initiative to redress a long-standing regional inequity and, in so doing, reinforce its authority, authenticity and credibility as a truly national institution.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, if time permits, would Senator Murray take a question?

Senator Murray: Yes.

• (1550)

Senator Hays: By way of comment, I congratulate the honourable senator on a well-reasoned and compelling speech that I find convincing. He mentioned the Canadian compromise and the history of our country. We are reluctant to make constitutional changes, particularly as it relates to the institutions of governance. Our history tells us that loud and clear.

In the area of sharing of powers, we have found ways around the rigidity of the allocation of powers under the Constitution Act, 1867 — sections 91, 92 and so on.

In the area of institutional reform, we have not been so successful. Basically, in the case of allocation of powers, we create shared powers where none are provided for in a formal way, and create possibly conventions, in the case of health care and others.

In this difficult area, the motivator for the compromises in those areas have been political imperatives — unhappiness in a region about this, that or the other thing, a desire on the part of the federal government to ensure it has a role to play in postsecondary education, social programs, health care and so on. However, in the case of institutional change, I am not aware of any history like that.

[Senator Murray]

What Senator Murray proposes, seconded by Senator Austin, is an example of where we might go. I think it is a very good proposal and, hopefully, one that we will follow no matter what might happen to the resolution after it leaves this place.

The honourable senator is an experienced minister in intergovernmental matters. I would appreciate it, if he felt free to do so, to give us a comment on what he sees, after approximately a century with no change, how this might play out in the absence of what it is that he and Senator Austin propose we do — reach out at this time with a compromise, which is very much in the Canadian tradition.

Senator Murray: I do not know whether this is addressing the question directly; perhaps it is. As I said, when I opened debate on this matter last June, this regional inequity stands out to me as a serious flaw in the Senate, and one that can be addressed on its own through the constitutional process. What we are suggesting here will take the House of Commons and seven provinces, representing 50 per cent of the population. Because it is such a serious flaw, it undermines the credibility of other attempts, including those being made by the present government, on matters having to do with tenure and, it appears today, with the method of selecting senators. I think the status quo, in terms of representation, is an almost fatal flaw so far as the Senate is concerned in parts of your region — in Alberta and British Columbia. It is something that we can solve if there is a willingness to compromise, not just in this chamber but outside this chamber.

Hon. Jack Austin: May I address a question to you, Senator Murray?

The Hon. the Speaker: I must first remind the house that Senator Murray's time has been expended. Do you wish to seek an extension?

Senator Hays: Agreed.

The Hon. the Speaker: Is leave granted for five minutes?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Agreed.

Senator Austin: First, I would like to express my appreciation for your interest, support and dedication to alleviating this grievance. This is particularly appreciated because you are a Maritimer, even a Cape Bretoner, which is —

Senator Murray: Representing Ontario.

Senator Austin: Exactly. You show a very pan-Canadian spirit in the work you have done. I thank you for an excellent presentation.

I have said in this chamber, and others have said in this chamber — but I do not think it is appropriately appreciated — that there can be no constitutional change so far as British Columbia is concerned until there is a resolution of the Western representation issue. Premier Campbell has made that clear. He has even said that British Columbia should have 20 per cent of the seats in the Senate.

It may serve some to prevent any constitutional changes through the 7-50 formula. I can only speculate that might be the case. However, the question to you is given your constitutional experience — which is extensive, recalling the constitutional proposals of the Mulroney government — do you believe there will be the possibility of constitutional movement in this country in the next five to 10 years without resolving this issue?

Senator Murray: Honourable senators, I think it can be argued — and I probably made the point myself in the past — that it appears we are in a state of constitutional deadlock, except for those amendments we have been able to pass through the bilateral formula with Quebec and Newfoundland and Labrador.

There are various impediments to constitutional reform one of which has been identified by Premier Campbell and cited by Senator Austin. The other outstanding issue is the fact that Quebec has not signed on to the 1982 Constitution.

I would like to test the proposition that nothing can be done until these impediments are removed. That is one of the reasons I would like to see the Senate pass this motion to amend. If it goes through the Senate, as you know, it will be sent to 10 provincial legislatures and to the House of Commons.

We may find that depending on the issue, there is more of a disposition than we had suspected — and, indeed, that had existed 10 years ago or more — to make a constitutional amendment where one was manifestly in the national interest. That might inspire some serious thinking about the other impediments, including the Quebec issue and others that we know of, that have to be addressed sooner or later — and, hopefully, not in a crisis atmosphere.

Senator Austin: Would it be fair to say that one of the major premises of this resolution is to find an opening, through the development of constitutional negotiations, for the larger constitutional process to be validated again in the Canadian format?

Would it be fair to say that the idea that was advanced, among others by Senator Hubley, that we can only have a global Cartesian review of all issues before we deal with any constitutional measure, would create an indefinite deadlock?

Senator Murray: That is what I was trying to say. I appreciate the point, and have made it myself, that in terms of reform of the Senate, there are some aspects that, in my opinion, one should not proceed with on a one-off basis because they are closely interrelated. That is to say the relationship of the Senate with the House of Commons, the powers of the Senate, the term of senators — all these things are very closely related.

I think we could make a contribution to addressing these other matters if we were able to make progress with this issue itself, which could be considered by provinces and the House of Commons without worrying about its impact on other constitutional issues.

The Hon. the Speaker: Senator Murray's time has been exhausted.

On motion of Senator Bryden, debate adjourned.

• (1600)

HERITAGE LIGHTHOUSE PROTECTION BILL

REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Fisheries and Oceans (Bill S-220, to protect heritage lighthouses, with amendments), presented in the Senate on December 11, 2006.—(*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey: Honourable senators, I move the adoption of this report.

I rise to fulfil my obligation under rule 99, which provides that:

On every report of amendments to a bill made from a committee, the Senator presenting the report shall explain to the Senate the basis for and the effect of each amendment.

As honourable senators know, this bill has a long history. Our late colleague Senator Forrestall worked tirelessly for it, and this is no less than the sixth occasion on which it has been before the Senate. At times, committees have passed the bill without hearing any witnesses at all, and indeed, during the third session of the 37th Parliament, it passed the Senate without referral to a committee.

Honourable senators, this latest version of the bill was referred to the committee on Tuesday, November 28, and last Thursday we heard from our colleague Senator Carney. I might say that she made a special effort to get here, because she is in very trying circumstances at the moment due to sickness in her family. I thought I would put on the record her attempt to be here to defend her bill in what must have been very trying circumstances to her.

We also heard from officials from the Department of Fisheries and Oceans and the Parks Canada agency. Then during clause-by-clause consideration of the bill, we benefited from the assistance of the Law Clerk and Parliamentary Counsel and his staff. We also benefited from Senator Comeau's research and the amendments that he put forward. I believe that these amendments have strengthened the bill.

In speaking to the report, I will explain the effect of the whole set of amendments that we have suggested to the Senate for its consideration. We proposed that the scope of the act be narrowed so that it applies only to federally-owned lighthouses. The original bill applied to all lighthouses within the legislative authority of Parliament, regardless of ownership; some may have been sold to private enterprise, et cetera, but still operated. The bill then applies only to federally-owned lighthouses.

In addition, the minister responsible for the act is specified as being the minister responsible for the Parks Canada agency. The designation of a heritage lighthouse may include any related built structure on a site that contributes to the heritage character of the lighthouse. The original bill allowed for the site on which the lighthouse was situated and any structure, work or related fixture on the site to be included in the designation.

What is more, the designation of a lighthouse as a heritage lighthouse is, under the amendments we have suggested, to be done by the minister rather than by the Governor-in-Council on the recommendation of the minister. The effect of these amendments is to put a great deal of authority in the hands of the minister. Senator Carney was not entirely happy with that, but she certainly accepts that that is the way to proceed.

The minister is to receive advice and assistance on matters related to heritage lighthouses from an advisory committee established by the minister rather than from the Historic Sites and Monuments Board of Canada. References to the board are deleted and references to the advisory committee are added.

The committee also suggested that criteria for determining whether a lighthouse should be designated as a heritage lighthouse be established by the minister, rather than being prescribed by regulations made by the Governor-in-Council. In determining whether to designate a lighthouse as a heritage lighthouse, the committee's suggested changes would require the minister to consult with the advisory committee and allow him or her to consult with other persons or bodies. Under the original bill, the minister had the discretion to seek the advice of the Historic Sites and Monuments Board before deciding whether to give a designation. If the minister sought their advice, the board was required to give interested persons a reasonable opportunity to make representations, and was authorized to sponsor public meetings before providing advice to the minister.

The original bill prohibited a person from removing, altering, destroying, selling, assigning, transferring or otherwise disposing of a heritage lighthouse or any part of it without an authorization from the minister. It provided, in some detail, for processes to deal with these matters. The amended bill would have separate and less-detailed provisions respecting alterations, sales, transfers, and the destruction of heritage lighthouses, thereby allowing some additional level of flexibility.

First, alterations would only be done in accordance with criteria and procedures established by the minister. These criteria must be in keeping with national and international standards for the conservation of heritage properties and must include requirements that all interested persons be given a reasonable opportunity to make representations concerning the proposed alteration, and that a public meeting be held.

Second, transfers to the province and sales can only be made after 90 days' public notice. Unless the sale is to a municipality, a public meeting must be held on the matter. It is Senator Carney's contention that these lighthouses are heritage lighthouses and that people are associated with them and that they engender a particular affection in the minds of the people who live near them, and have a special place in the minds of people who live on the coasts of Canada. Transfers and sales must make provision for the protection of the heritage character of the heritage lighthouse.

Finally, demolitions may only be carried out if there is no reasonable alternative and if 90 days' public notice has been given.

Senators may also be interested to know that under the original bill the owner of a heritage lighthouse had to maintain it in a reasonable state of repair and in a manner in keeping with its

heritage character. Under the amended bill, the owner must maintain the heritage lighthouse in accordance with criteria established by the minister. These criteria must be in keeping with national and international standards for the conservation of heritage properties.

Finally, minor wording changes were made to the bill, such as changing "navigational aid" to "aid to navigation" in clause 2.

There was, of course, considerable discussion of the bill in committee, and clause-by-clause was a dynamic process. We feel that the changes we have proposed respect the goals and principles of the bill as agreed to by the Senate at second reading, while helping to mitigate concerns about its potential impacts.

As I mentioned at the beginning, our late colleague Senator Forrestall worked tirelessly for the bill and this is no less than the sixth occasion on which it has been before the Senate. I therefore feel that we have had adequate discussion of the item and I commend the committee's work to the Senate and ask for the adoption of the report.

Hon. Norman K. Atkins: I think we should pass this bill simply to honour the memory of Senator Michael Forrestall. He was a strong believer in the preservation of lighthouses.

When I hear Senator Rompkey's report, the one thing that occurs to me is: Are we not giving too much discretion to the minister in terms of what he or she can decide?

• (1610)

My other question is: Under whose authority would there be maintenance of these lighthouses on both coasts?

Senator Rompkey: The maintenance would be done by whomever takes over the lighthouse. The minister would have to decide, given the advice that he gets, whether someone who wanted to apply to take over a lighthouse had the wherewithal to do it, was competent to do it and able to do it. I think it is fair to say that he probably would not agree to the turnover of the lighthouse if he was not sure that those conditions applied.

With regard to the first part of the question as to whether we are putting too much authority in the hands of the minister, I alluded to that already. Senator Carney has worked on this matter for a while and has had discussions with the department. I think she is satisfied that this is a good way to proceed. There are caveats in the bill, such as public meetings. This was something Senator Carney felt strongly about, namely, that people who live near that lighthouse would have an opportunity to have their say. The bill provides for that.

I think there are checks and balances in the bill, and there is quite a bit of authority in the hands the minister. Before that, it was in the hands of the Governor-in-Council, which this bill simplifies a bit. We now know who we are dealing with: We are dealing with the minister responsible for Parks Canada. Before that, we were dealing with the cabinet. I submit that it is probably easier to deal with the minister than it is to deal with the whole cabinet. I hope that answers the question.

Hon. David Tkachuk: Honourable senators, my honourable friend mentioned that the minister was able to impose certain guidelines as to the upkeep of the lighthouses. Are there lighthouses that would be owned not by DFO but by private individuals?

Senator Rompkey: There are lighthouses now owned by private individuals, but I do not know that there are any provisions that they must keep up the heritage features of the lighthouse. I know of one lighthouse, for example, that is on an island near Quirpon on the Northern Peninsula of Newfoundland. It is owned by a couple from Corner Brook and they operate it as a bed and breakfast. They operate it very well and are doing very well. They take people over in a boat — would do it for you, if you paid them — and you would have quite a nice time there. There are lighthouses owned by municipalities and owned by private individuals, but this bill would provide for them to keep up the heritage character of the lighthouse once it was turned over to them.

Senator Tkachuk: “Turned over.” Just so that I am clear, a lighthouse must be designated as a heritage site. Not all lighthouses are heritage sites?

Senator Rompkey: Right.

Senator Tkachuk: We do not have property rights in our Constitution. If a lighthouse is designated as a heritage site — for example a private one that has a bed and breakfast because some deputy minister thought that it looked nice — and then the government starts imposing things on them as to how they have to maintain it, what protection is there for the owner to say, “Take off, this is mine.”?

Senator Rompkey: I tried to allude to that when I spoke earlier. First, the minister must designate the lighthouse. As the honourable senator says, not all lighthouses will be designated as heritage, but some of them will be. The minister will have to take that decision, after receiving advice. Once he takes that decision, he will have to assess whether the people who are taking over the lighthouse have the wherewithal to do it. He will have to say to them, “If you take this over, you will have to maintain international and national standards for heritage buildings. There are Canadian standards for heritage buildings; there are guidelines for heritage properties. If you take this lighthouse over, you will have to follow those national guidelines, the guidelines of Canada.” The minister will have to determine whether they are able to do that. If they cannot, I would think he would not turn it over because he is committed to maintain certain standards. People may come forward and say, “We have the wherewithal; we can show that to you. We have a plan; we can show that to you.” This could be a province or a municipality. In this country, the pecking order for disposal of federal properties is the province first, the municipalities second and then everyone else third.

There is a process to follow regarding the disposal of Crown assets. Once you get through the pecking order, you get down to people who want to take it over. They must show the minister that they can and he must be satisfied that they can.

Hon. Willie Adams: Honourable senators, I was on the committee during clause-by-clause consideration of the bill last week. I have been in support of this bill from the

beginning. Senator Carney has worked on it for over 10 years. We found out that some of the witnesses in the department had changed their minds between DFO and Parks Canada — that is, once they found out how much it costs to operate lighthouses.

In last four or five years, some of the research funding from DFO for fishing in Nunavut has come from the Department of Fisheries and Oceans. Every year, it was about \$200 million to study the fishery in Nunavut. However, we found out that Heritage Canada has no funds to look after the upgrades for heritage buildings. Even after maintenance is done after many years, the lighthouse still belongs to the Department of Fisheries and Oceans. They must come up with the money for anything that needs to be repaired from a fund set up for that purpose.

I have heard from the Department of Fisheries and Oceans that you cannot add money to the funds for some of the research on the future of fishing in Canada. The department contracts out some of that research. We do not know how much it will cost to move it or to turn it over to the municipality, but the municipality has no control over it now and therefore cannot maintain it. We do not know how much it will cost. For example, will it cost another \$10 million? If I need \$10 million for someone to do research on the fishery in Nunavut, that money cannot come to our area.

That is why I ask this question to our chairman, Senator Rompkey, who comes from down East: If a municipality takes over everything, such as tourism so that more people are coming into an area, I accept that. However, heritage belongs to DFO. If anything needs to be done, they have to do it. That is what we heard from the witnesses.

The Hon. the Speaker: Honourable senators, as we are on Senator Adams' time, does Senator Rompkey wish to ask a question of Senator Adams?

Senator Comeau: No; that was a question.

The Hon. the Speaker: We are on Senator Adams' time.

Senator Rompkey: I think His Honour is signalling that my time is up.

The Hon. the Speaker: We are on Senator Adams' time. I am sure that Senator Rompkey wants to ask Senator Adams a question.

• (1620)

Senator Rompkey: I wish to make a comment on Senator Adams' intervention.

If DFO continues to own the lighthouse, then DFO is responsible for the upkeep of the lighthouse if the cost of the upkeep would come out of its budget. If the minister decides to turn over that lighthouse to an individual, then obviously the upkeep would be his or her responsibility. However, DFO would make the determination before turning over the lighthouse that the new owner had the wherewithal to operate it. It has to be one or the other; either DFO keeps it and operates it out of its budget, or turns it over to someone who demonstrates the wherewithal and competence to operate it.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I know the pressure is on to deal with this bill. Believe me, I know. However, I wanted to hear Senator Rompkey's comments before I offered mine, which I undertake to make tomorrow. Again, I know the pressure is on. There are a number of issues which I wish to deal with tomorrow. I am not in any way trying to delay this matter. I do wish to gather my thoughts and make my comments tomorrow. On that premise, I move the adjournment of the debate.

On motion of Senator Comeau, debate adjourned.

AGREEMENTS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AND TERRITORIES ON CHILD CARE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Trenholme Counsell calling the attention of the Senate to concerns regarding the Agreements in Principle signed by the Government of Canada and the Provincial governments between April 29, 2005 and November 25, 2005 entitled "*Moving Forward on Early Learning and Child Care*", as well as the funding agreements with Ontario, Manitoba and Québec, and the Agreements in Principle prepared for the Yukon, the North West Territories and Nunavut.—(Honourable Senator Munson)

Hon. Jim Munson: Honourable senators, I am pleased to rise on this inquiry by Senator Trenholme Counsell dealing with the Agreements in Principle signed by the Government of Canada and provincial governments between April 29, 2005 and November 25, 2005 and entitled, *Moving Forward on Early Learning and Child Care*, as well as the funding agreements with Ontario, Manitoba, Quebec and the agreements in principle prepared for the Yukon, the Northwest Territories and Nunavut.

Honourable senators, some time has passed since the Conservative government put in place their so-called child care program. I am sure that families across the country are happy to have an additional \$100 in their monthly budget. Raising children is expensive and, if you need to pay for child care, you can spend anywhere from \$25 to \$60 a day. That means the government's so-called child care program pays a fraction of the real cost — between four days to two days worth of child care a month, or \$5 a day. Is it better than nothing? Of course. Is it good enough? Not even close.

I want to back up a little. I do not want honourable senators to think that by mentioning the cost of child care, I think that cost is the most important factor when it comes to early childhood development and the well-being of families in this country.

The Conservative government said that its child care policy was about providing direct support to families so that parents would choose the care they most wanted.

Well, honourable senators, my guess is that most parents want top quality care, and top quality care costs more than \$5 a day. Without the support they need, families are making child care choices based on what they can afford, not what is best for their kids.

Also, almost all of Canada's children are looked after in unregulated settings by people who may or may not have the necessary training to provide enriching care for babies and preschool children. The national child care agreements between the provinces and the former Liberal government would have allowed parents both choice and access to care that is top quality.

The 2006 *Report Card on Child and Family Poverty in Canada, Campaign 2000*, reported that child poverty in this country is worse now than it was in 1989. One in six children live in poverty, and one in four First Nations children live in poverty.

What do child poverty and child care services have in common? They have many things in common. How interesting to note that Quebec is the only province where child poverty rates have been dropping since 1997. This is likely due, at least in part, to family support benefits and a rapid expansion of affordable early learning and child care services.

Let us compare this to Alberta, where the economy is booming and the child poverty rate is in double digits, somewhere between 14 per cent and 15 per cent since 1999. Meanwhile, we have a projected federal surplus in the double digits for 2006-07. What are we doing with a double digit surplus when we have child poverty statistics in the double digits? This is not right.

With national child care programs, parents can work or receive training, thereby breaking through the trap of poverty while knowing that their children are in good hands and cared for by people who are trained in early childhood education.

Why are we not doing more, senators?

It has become clear that this Conservative government is more interested in tax cuts and providing Canadians with small monetary breaks while abandoning the business of nation building and making Canada better for greater numbers of people, especially those most in need.

We lag far behind many of our counterparts in the Organization for Economic Co-operation and Development by devoting much less of our GDP to early childhood development programs.

Canada has what it takes to help families access quality child care and to help alleviate child poverty. As Senator Trenholme Counsell has pointed out, the need is there: 84 per cent of parents work either in or outside of their home to provide families with needed income.

The traditional "mom at home" model that many Conservatives are nostalgic for just does not wash. Almost three quarters, 70 per cent, of women with pre-school aged children are in the paid workforce. This is our world today. Let us make it child friendly.

There is a need. Let us fix it. We cannot say that we cannot afford it. The money is there. We have a federal surplus projected at \$13 billion for 2006-07. I shudder to think what would have happened if we left the new government with a deficit.

The need is there, and the money is there. Clearly the only thing lacking is political will. I am pleased to speak to this issue and work toward bringing it to the attention of Canadians.

I would like to thank our honourable colleague Senator Trenholme Counsell, who has been home in New Brunswick recuperating from major surgery. On her behalf, I would like to ensure that we keep this issue front and centre.

Hon. Roméo Antonius Dallaire: Honourable senators, if I am correct, I heard Senator Munson say that one in six children in this country suffers in a poverty status, and one in four children in our First Nations are in a poverty status.

We have projects internationally through CIDA. In places such as Brazil, which is competing with us in the aircraft industry, we have development projects, including those to assist families and children in difficult circumstances.

• (1630)

In the documentation that honourable senators have looked at, has a perverse sense of colonialism on the part of the government created a scenario in which First Nations are in a worse state of child poverty than are other Canadian children who are in a scandalous state?

Senator Munson: I thank Senator Dallaire for the question. Yes, First Nations children are in a worse state. When I was a reporter and working in China and throughout the Far East for five years, I covered many stories dealing with poverty, including Gangzhu province in China, where CIDA projects were at work. A water project brought joy to the faces of hundreds and hundreds of villagers as they received a basic need called "water." I covered a war or two in Cambodia and saw the orphanages and watched Canadian men and women deal with people in poverty.

When I returned to Canada after ten years, I was startled. One of the first stories that I covered was in Davis Inlet. I was one of the first reporters to go to Davis Inlet, where I saw the poverty, the gas sniffing and all that was going on at that time. I could not believe what my eyes were seeing — I thought that I was back in a third world country.

Rather than play a partisan game of politics on a late Wednesday afternoon, there has to be a collective will to deem this poverty scandalous. Canada has so much money, so much to offer and so much to give. Perhaps when we step out of this chamber and travel across this country we can take some of the examples used by Canada to help people in other parts of the world in order to alleviate what is in our own backyard. It is not about politics; it is about people.

Senator Dallaire: The honourable senator is quite correct in not making this a political football. The state of poverty of our children is an ongoing exercise. Honourable senators know that there are non-government organizations in various Canadian provinces and cities that collect money so that they are able to provide breakfasts for children who go to school hungry.

Could something be considered, at least at the provincial level if not the federal level, that would guarantee food for children who come to school hungry so that they do not have to depend on the generosity of NGOs and other campaigns to be nourished before they begin their lessons each day?

Senator Munson: I agree with Senator Dallaire. Another story that I covered when I returned was in Atlantic Canada — Whitney Pier, Nova Scotia, which is a pretty wonderful place with great people. However, the children had no breakfast to eat in the

morning and had nowhere to go — there was no social centre or any other place for them to gather.

Senator Stratton: What year was that?

Senator Munson: It was in 1995.

Senator Stratton: Who was in Parliament?

Senator Munson: Senator Stratton is always saying these things and I am getting used to it. I am not Senator Mercer, I am Senator Munson. What year was that? It was 1995. I was a reporter then; I was not even a Liberal senator.

Senator LeBreton: But you were a Liberal.

Senator Munson: Of course, I am a Liberal through and through because Liberals have social values, and believe in the intervention of the state to help those who cannot help themselves. Is there something wrong with that or is it every man and woman for himself as you find in the republic of the United States of America? Is that what you are saying?

Senator Stratton: A little thicker skin, sir.

Senator Munson: As a reporter I am supposed to be objective, and I am objective about all of these issues. I am also a person who grew up in a United Church manse and my father was a minister. One of the most wonderful things in my life growing up in Northern New Brunswick was that those who enjoyed comforts at home stepped outside their homes, whether at Thanksgiving or Christmas or at any other time, to help those who did not have such comforts. I believe that governments have a major role to play in this scenario.

The Conservative government was the recipient of a \$13-billion surplus left by the Liberal government and should be able to find at least a few hundred million dollars to help alleviate child poverty.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I had not planned to participate in this debate today but two elements of what has just occurred have prompted me to rise.

Hon. Jane Cordy: I move adjournment of the debate.

Senator Fraser: The first element is the always entertaining discussion about journalists and reporters. I did not know Senator Munson when we were both journalists, but I would be willing to bet that he, like me, came to the Liberal Party because it was the party that had historically most often represented the values in which he had believed and on which his career had reinforced his belief.

When you travel and meet the disadvantaged of this world, it affects your values. Those values are not held exclusively by Liberals, of course they are not. I can remember once endorsing and voting for former Prime Minister Mulroney because there was a time when he represented those values. However, most often, in my view, those values in Canada have been represented by the Liberal Party, not by the NDP; not by the folks further left on the spectrum.

The second element was also prompted by Senator Munson's words and reminded me of an experience that has stayed with me in many ways. It had to do with what he had seen when he was abroad. I grew up, as I have said in this chamber before, in a third world country, but that is not the experience I want to talk about. A few years ago, when on a parliamentary delegation, I found myself in Cuba. I believe that Senator Prud'homme might have been part of the same delegation.

Senator Prud'homme: Yes, I was; and it is a good country.

Senator Fraser: Cuba is a police state and a dictatorship.

Senator Prud'homme: It has great education and health care systems.

Senator Fraser: I am getting there, Senator Prud'homme. It is a poor country that has mismanaged its economy so dramatically that in this large, agricultural territory, surrounded by rich oceans, the inhabitants have to import food. It is staggering how badly they have managed many elements of their society, but they have done some things in the right way

Senator Prud'homme: Of course.

Senator Fraser: No matter how much poverty there is, every child in Cuba gets an education from preschool to as far as they can go. If they can handle post-doctoral work, they get it for free.

Senator Prud'homme: Yes. As well, there is the health system.

• (1640)

Senator Fraser: Oh, yes, health care, of course. We also have a system of public health care.

We were told of a billboard that had been placed in Havana a few years before we were there, which I found very touching in that poor country. The billboard said that around the world, X hundreds of millions of children sleep every night in the streets, and not one of them is Cuban.

That brings me to the third priority that the Cuban government set for itself that struck me. Every Cuban has a roof over their heads. It may be the most miserably modest housing imaginable by Canadian standards, but every single one of them is housed.

If this poor and otherwise dramatically mismanaged country, this authoritarian, corrupt police state, can set those priorities and stick to them, I wonder why we, in a rich, free, caring democracy, cannot do the same.

Senator Munson: Honourable senators, I have just a very brief aside.

The Hon. the Speaker: Senator Munson, if you wish to ask Senator Fraser a question or make a comment, that is where we are at the moment.

Senator Munson: I am sorry about that. I am still getting used to this place. I just celebrated my third year on December 10th. I am now into my fourth year. Time keeps marching on, as some of the Conservative senators can see.

At the end of the day, Conservative senators can surely do better than provide \$100 a month.

[Translation]

Hon. Aurélien Gill: Honourable senators, I was not going to participate in this debate, but the subject is so sad I feel that I should. Senator Fraser mentioned that meeting disadvantaged people changes a person.

I suggest you go to the La Vérendrye wildlife reserve, not far from Montreal. You will see a group of 10 or 15 people living there without electricity, without running water, in tarpaper shacks. If you want to see something sad, go there. They are a group of Algonquins.

On motion of Senator Corby, debate adjourned.

The Senate adjourned until Thursday, December 14, 2006, at 1:30 p.m.

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Thursday, December 14, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, December 14, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

[English]

Prayers.

ATWATER LIBRARY AND COMPUTER CENTRE

[Translation]

SENATORS' STATEMENTS

CANADIAN INSTITUTE FOR HEALTH INFORMATION

WORKING CONDITIONS OF NURSES

Hon. Lucie Pépin: Honourable senators, a study conducted by the Canadian Institute for Health Information, Statistics Canada and Health Canada has found that Canadian nurses are more stressed and more dissatisfied with their work than any other workers in the country. Nursing associations have voiced concern about this for many years.

High stress levels on the job cause deterioration in physical and mental health, which in turn leads to burnout, depression and extended or more frequent absences from work.

According to the study, 60 per cent of nurses describe their jobs as physically demanding. Unpaid overtime is common. Nurses are so overloaded with work that they are often forced to skip their breaks or work through lunch. This excessive workload poses a threat to them, and also to patients, because it heightens the risk of error.

Too many nurses still suffer physical and verbal abuse from patients.

• (1335)

It is no wonder that nurses say they are more dissatisfied with their jobs than the rest of the labour force. Their dissatisfaction is not necessarily a matter of money, although a good salary, job security and benefits are important, of course.

Rather, their dissatisfaction stems from their inability to practise their profession safely, responsibly and generously. Nothing is more demoralizing than leaving the house every day knowing that your workload and the obstacles you will encounter will prevent you from doing your job properly and that your patients will suffer as a result.

The cuts to the health system that were made a few years ago are still having a negative impact on medical personnel. This situation must be rectified soon, and more investments must be made in order to reduce overcrowding in emergency rooms, shorten waiting lists and, most importantly, increase the number of nurses.

Hon. Andrée Champagne: Honourable senators, recently, I spent a most interesting 90 minutes visiting the Atwater Library and Computer Centre in Montreal. Representing the government, I was there to celebrate the creation of the Atwater Digital Literacy Project, a project that will develop and support creative new media learning programs. In 1845, the library was called the Mechanics Institute of Montreal; 178 years later, the same vision still inspires the organization, building a better Montreal through life-long learning.

[Translation]

Without a doubt, the project this institution submitted to the Department of Canadian Heritage is further proof of the importance it places on literacy, for we are all well aware of its advantages.

[English]

Many of the young people who use the Atwater Library and Computer Centre are newcomers to Canada and Montreal. Digital literacy constitutes a vivid hope of finally being able to communicate. Learning how to use a computer and being able to use one at very little cost, makes for a most enjoyable way to keep in touch with parents and friends in their country of origin.

For others, a visit to the Atwater library marks that fateful moment when they realize that their reading and writing skills and abilities are not what they should be.

[Translation]

Young people from Saint-Henri, Little Burgundy and Pointe St-Charles, from the entire south-west section of downtown, even from Notre-Dame-de-Grace, can use the Atwater Library and Computer Centre to acquire the knowledge they need, first to learn to read and write, and then to use computers.

Yes, the Department of Canadian Heritage granted them a subsidy of nearly \$24,000. However, without the dedicated work of volunteers of all ages and ethnicities, the Atwater Library and Computer Centre could not achieve the objectives set out by its advisory board and for which its members are working hard to raise the additional funds they need.

[English]

The library also found very devoted partners. For example, represented by Ronald Mungal, the Padua Youth Empowerment Project is designed to take 14 young adults on a nine-month journey to build self-confidence, strengthen personal identity and acquire employability skills. Literacy through Hip Hop, with Munira Ravji and Lynn Worrell, is also very popular. This innovative program challenges youth between the ages of 10 and 13 to improve their reading and writing. Loralie Bromby is the workshop facilitator and Hugh McGuire is the chairman of the advisory board.

[Translation]

At the Atwater Library and Computer Centre, one can borrow books, of course — and books can also be donated, incidentally — but more importantly, one can learn to read, write and use a computer.

Honourable senators, as I am sure you will agree, the Department of Canadian Heritage has found new and significant ways to advance the cause of literacy in Canada.

To Lynne Verge, Miriam Verbarg and their entire team, to all employees and volunteers, I say, Bravo! I thank you very much and wish you a very happy holiday season.

• (1340)

[English]

JOHN GRAVES SIMCOE

CELEBRATIONS ON TWO-HUNDREDTH ANNIVERSARY OF DEATH

Hon. Vivienne Poy: Honourable senators, I wish to share an interesting experience with you that took place in October when I attended, with other Ontarians, the two-hundredth anniversary of the death of John Graves Simcoe, the first Lieutenant-Governor of Upper Canada, in Dunkeswell, Devon, England.

Before he became Lieutenant-Governor, John Graves Simcoe had a distinguished military career, which culminated in 1777, in leading the Queen's Rangers, an American loyalist regiment, in the American War of Independence, now known as the Queen's York Rangers in Canada. In 1781, Simcoe returned to England and married Elizabeth Posthuma Gwillim the following year.

When Simcoe was appointed Lieutenant-Governor of Upper Canada in 1791, he returned to North America with his wife and children. Besides his important support for the abolition of slavery, he instituted the British Constitutional Government, and was responsible for establishing the city of York, which is now Toronto. He built Yonge Street, which, until recently, was listed in the Guinness Book of World Records as the world's longest road. Such was his fame that the town of Simcoe and Simcoe County were named after him. Incidentally, Lake Simcoe was named by him in honour of his father. In Ontario, the first Monday in August is Simcoe Day, a public holiday when Ontarians can enjoy a long summer weekend.

When Simcoe returned to England in 1796, he lived with his family in Wolford Lodge near Dunkeswell. He built Wolford Chapel for worship by his family. John Graves Simcoe, his wife Elizabeth and five of their 11 children were buried in Wolford Chapel. In 1966, the chapel and the grounds were donated to the Government of Ontario and they have since been administered by the Ontario Heritage Trust.

On October 26, a special service was held in Wolford Chapel, attended by direct descendants of the Simcoe family, representatives from Ontario and members of the Queen's York Rangers.

Despite his fame in Canada, Lieutenant-Governor John Graves Simcoe remains little known in Britain. The ceremony to recognize the two-hundredth anniversary of his death helps

to promote his legacy, with press coverage and an exhibition in Allhallows Museum in Honiton, Devon. I believe Canadians have played a role in the preservation in Britain of the memory of such a great Ontarian.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

AWARDS TO COMMITTEE FROM CANADIAN MENTAL HEALTH ASSOCIATION AND CANADIAN PSYCHIATRIC ASSOCIATION

Hon. Art Eggleton: Honourable senators, this morning, at our last meeting of the year, the Standing Senate Committee on Social Affairs, Science and Technology received two awards. It was a nice way to finish the year.

In accepting these awards, I would like to give particular recognition and thanks to all of the members of the committee who helped to produce the report *Out of the Shadows at Last*. These two awards are in recognition of that report.

The 2006 C.M. Hinks Award to the Standing Senate Committee on Social Affairs, Science and Technology, in recognition of its invaluable contributions to the advancement of mental health in Canada, comes from the Canadian Mental Health Association. The second award is from the Canadian Psychiatric Association, which presents this special recognition award to the Standing Senate Committee on Social Affairs, Science and Technology, 2003-2006, for its leadership and for giving voice to the mental health needs of Canadians through its three years of consultations and the final report, *Out of the Shadows at Last*.

Honourable senators, I also want to recognize the leadership of the committee under the former Chairman Senator Michael Kirby, and under Deputy Chairman Dr. Wilbert Keon, and all the members of the committee who served in that three-year period to make that report a reality. That report demonstrates the great value of this Senate and of the work of its standing committees.

Hon. Senators: Hear, hear!

• (1345)

SENATE APPOINTMENT CONSULTATIONS BILL

Hon. Pierrette Ringuette: Honourable senators, yesterday was a very sad day for democracy in this country. Yesterday, Prime Minister Harper introduced in the other place Bill C-43, to provide for consultation with electors on their preferences for appointment to the Senate. That bill was tabled in the other place and not in the Senate, where we already have Bill S-4 to study, so that either House of Parliament could study the cumulative effect of both bills.

[Translation]

This legislation does not oblige the Prime Minister to appoint any of the elected candidates to the Senate. Furthermore, in Quebec's case, this legislation violates the Constitution by replacing the 24 electoral colleges with elections on a provincial level. The proposed legislation flies in the face of our Constitution, our democracy and our minorities.

[Senator Champagne]

[English]

This proposed legislation does not deliver on the promise of a Triple-E Senate. This proposed legislation is nothing but a Triple-S Senate — Senate Seat Sale.

Let me take my province of New Brunswick as an example to illustrate my comments. Bill C-43 proposes province-wide elections. In New Brunswick, only 33 per cent of the population is francophone and only 5 per cent of the population is First Nation. What are the odds, given these percentages, that a francophone or a First Nation person would be elected in province-wide elections in New Brunswick?

We have spoken many times in the Senate about minority representation but, unfortunately, it has fallen on deaf ears — the my-way-or-the-highway approach.

Again, this is a Triple-S Senate — Senate Seat Sale. For instance, there are 10 federal ridings in New Brunswick, and I estimate that a minimum of \$50,000 will be required in each riding to run a decent federal campaign. This means that a person interested in running for a Senate seat in New Brunswick would require at least \$500,000 to campaign. This proposed legislation is nothing but pie-in-the-sky. It is a mockery of our Constitution, of democracy and of minorities and, dear colleagues, it is a before-Christmas Senate Seat Sale.

ROUTINE PROCEEDINGS

SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE BILL, 2006

REPORT OF COMMITTEE

Hon. Hugh Segal, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, December 14, 2006

The Standing Senate Committee on Foreign Affairs and International Trade has the honor to present its

SIXTH REPORT

Your Committee, to which was referred Bill C-24, An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence, has, in obedience to the Order of Reference of Wednesday, December 13, 2006 examined the said Bill and now reports the same without amendment. Your Committee appends to this report certain observations relating to this Bill.

Respectfully submitted,

HUGH SEGAL
Chair

Observations to the Sixth Report of the Standing Senate Committee on Foreign Affairs and International Trade

In reviewing Bill C-24, the committee is concerned that the Bill and the agreement that it enacts either create or exacerbate a number of softwood lumber trade issues including:

- 1) That some \$1.0 billion has been left in the U.S., some \$500 million of which can be used by the industry there to compete with Canadian industry;
- 2) That there are no guarantees that this agreement will last beyond two years;
- 3) That this agreement may in future limit the support that the Canadian federal and provincial governments can give to the Canadian lumber industry;
- 4) That many jobs and small, rural communities in Canada may be in jeopardy, because of this agreement;
- 5) That this agreement sets a dangerous precedent in circumventing the NAFTA dispute resolution process, thereby potentially weakening NAFTA.

These are amongst the issues that the Foreign Affairs and International Trade Committee will continue to monitor. The Committee plans to continue its comprehensive review of the agreement in 2007.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Tkachuk, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on the Orders of the Day for consideration later this day.

• (1350)

PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT INCOME TAX ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Jeremiah S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, December 14, 2006

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TWELFTH REPORT

Your Committee, to which was referred Bill C-25 An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act, has, in

obedience to the Order of Reference of Tuesday, November 28, 2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN, Q.C.
Chair

Observations to the Twelfth Report of the Standing Senate Committee on Banking, Trade and Commerce

While the Committee is reporting Bill C-25 without amendment, we wish to observe that certain recommendations contained in our October 2006 report, entitled *Stemming the Flow of Illicit Money: A Priority for Canada*, have not been implemented in Bill C-25. In doing so, we note that Commissioner Dennis O'Connor — in his 12 December 2006 report, the *O'Connor Commission Report on Policy Review* — concluded that the federal government should extend independent review to the national security activities of a number of entities, including the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC). He further concluded that the Security and Intelligence Review Committee (SIRC) is “the most appropriate body to review the national security activities” of the entities identified by him. The Committee wishes to highlight recommendation 14 in our October 2006 report, which suggests periodic review of the operations of the FINTRAC by the SIRC. The Committee will continue to monitor the full range of issues related to money laundering and terrorist financing in 2007 as we continue our work on statutory review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Angus, with leave of the Senate and notwithstanding rule 58(1)(b), report placed on the Orders of Day for third reading later this day.

NATIONAL BLOOD DONOR WEEK BILL

REPORT OF COMMITTEE

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, December 14, 2006

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

EIGHTH REPORT

Your Committee, to which was referred Bill S-214, An Act respecting a National Blood Donor Week, has, in obedience to the Order of Reference of Tuesday, October 3,

2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

ART EGGLETON, P.C.
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Eggleton, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on the Orders of the Day for third reading later this day.

[Translation]

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

PLENARY MEETING, NOVEMBER 19-21, 2006—
REPORT TABLED

Hon. Céline Hervieux-Payette: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Forum of the Americas (FIPA), Canadian section, concerning its participation in the fifth Plenary Meeting of the Inter-Parliamentary Forum of the Americas in Bogota, Colombia, from November 19 to 21, 2006.

• (1355)

[English]

QUESTION PERIOD

SENATE APPOINTMENT CONSULTATIONS BILL

PROVINCE-WIDE CONSULTATIONS—
POSITION OF LEADER OF THE GOVERNMENT

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I have some questions for the Leader of the Government in the Senate on Bill C-43, some of which have already been touched on in Senators' Statements. I must say that Senator Ringuette has been doing her homework.

I would like to start with an article from the *Chronicle-Herald*, which the leader will have seen, where she gave an interview in August expressing the view that a province-wide process for consultation with electors on their preference for appointments to the Senate was not something that she favoured.

In fact, perhaps for the good reason that we touched on earlier, a province-wide election does have a disadvantage. It must have been in her mind that in larger provinces, or even in smaller provinces, it takes out of the electoral process people who are not in large centres where there are concentrations of populations. That would leave minorities, as well as regional groups, unrepresented in a way that they are now represented in this place through the appointments process.

I look forward to a comment from the leader on whether she still believes that that is the case, and thereby, perhaps, she would not be in favour of this bill as drafted.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question.

The article in the *Chronicle-Herald* was referring to a long conversation I had with the reporter last summer when we were speculating on various forms of how a Senate might be filled with elected senators. At the time, there was speculation that the province of Prince Edward Island and the province of Nova Scotia were considering provincially-run elections for Senate vacancies. We got into a discussion of various scenarios that a province might follow in order to fill vacancies.

However, the interview was undertaken in the context of provincially-run Senate election processes, and not federally-run processes, as this new bill states. I made it clear because, after the story was written, the reporter called to inform me that he had written the story based on something I had said last summer. I replied that at least one could say that it was not in the context of this bill but is a different system altogether.

This bill, for the first time in the history of the country, will turn the choice of who sits in this chamber over to the public. The Prime Minister will consult the public and appoint senators from a list that has been voted on by the public.

Senator Hays: I still would be interested in the honourable leader's response to the question of how it came about that the bill provides for province-wide elections. I think, whether it was related to a provincial or a federal process, she seemed to have a very good point that has already been made — and I have commented on it. I would appreciate her comment on that.

I understand cabinet solidarity; but does the honourable leader, in fact, agree that this is a serious matter, that by having province-wide elections, it will distort the representation, and that this is something that needs further study or, perhaps, change?

Again, I understand how the Leader of the Government is bound to support this bill, but I am looking for a helpful comment on what it was that she had in mind at that time. Can she help us on what we should do?

• (1400)

Senator LeBreton: I thank the honourable senator for his question. I support this bill not only because of cabinet solidarity but because it must be clearly obvious to anyone watching this place that it is in dire need of reform and of new blood.

I had a conversation with a journalist. We are always being criticized for not talking to journalists. As a matter of fact, in that conversation I talked about the imbalance in the Senate right now. For instance, looking at the current list of senators, it becomes obvious that there is one particular province in this country where all of the senators are from one city. Again, looking at the senators who represent Ontario — not counting the ones who have their hearts in another part of the country, and I will not name names — most of them represent the Ottawa or Toronto areas.

Of course, I must mention that we have an esteemed senator representing the riding of the home of the first Prime Minister of Canada, a Conservative from Kingston.

Last summer, the discussion that I had was concerning Prince Edward Island and Nova Scotia specifically. The lesson for me in all of this is to be careful about what I say. I could have said in the summer, "My goodness, this is a hot day." Using that analogy, the reporter could then say, "Senator LeBreton said that this is a hot day," in the dead of winter when it was a cold day. The facts are unrelated.

I totally support this legislation. I think the Prime Minister and the government —

Senator Milne: It varies with the time of year.

Senator LeBreton: — are on the right track. I think I have mentioned that in this chamber, and I have certainly mentioned it many times to my colleagues, as many of them will attest. Having travelled around the country this time last year, next to dealing with tax reform and tax cuts —

Senator Mercer: And income trusts.

Senator LeBreton: — and wanting to throw out the corrupt Liberal government, the largest applause that the Prime Minister got in the whole country was when he talked about reforming the Senate.

NOMINEES IN A CONSULTATION— CONSTITUTIONAL CREDENTIALS

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I will try to stick with the brief preamble to my question in accordance with the rules in terms of brief preambles to answers. I have two questions preceded by brief preambles, which I have already used up, I suppose.

On the leader's response, she has obviously changed her mind. We will see, if and when the bill comes here, whether her mind can be changed again. It is a good point, in terms of the potential problems with province-wide consultations, if we ever get to that stage.

I would like to ask now about another matter that was also touched upon. I am looking at the bill. Clause 18 deals with the qualifications of those people representing themselves and seeking to be on a ballot in a consultation with electors on their preference for appointments to the Senate.

The only qualification is:

Any citizen of Canada who has attained the age of 30 years may be a nominee in a consultation...

— unless they are involved in the electoral process.

As was mentioned, in the province of Quebec, to qualify to serve in the Senate, one must either reside in or own \$4,000 worth of land in a constituency. For that matter, in every province one must own \$4,000 worth of land, free and clear.

• (1405)

Perhaps I have missed it, and the leader can draw it to my attention, but I do not see anywhere in this bill where that is mentioned, nor the other qualifications of not being bankrupt and so on. Can the Leader of the Government in the Senate help me with that?

Hon. Marjory LeBreton (Leader of the Government): The \$4,000 stipulation illustrates how outdated the law is today. The age requirement of 30 years was mentioned.

I will take the other part of Senator Hays' question as notice. On the Senate consultation process — it is unwritten, although I will confirm it — that anyone who aspires to any public office in the country would have to be a person of high moral standing.

SENATE REFORM—STATE OF CONSTITUTIONAL NEGOTIATIONS WITH PROVINCES

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, the problem is that, upon reading the proposed legislation, a person may present him or herself, and have a reasonable expectation of being favoured by the Prime Minister with an appointment. It would be unfortunate for that person to go through the rather expensive and difficult process to find that he or she is ineligible.

I look forward to the minister's response.

There is another matter I wish to address. The bill, in its preamble, using excepting language, reads:

Whereas the Government of Canada has undertaken — pending the pursuit of a constitutional amendment under section 38(1) of the *Constitution Act, 1982*, to provide for a means of direct election — to create a method of ascertaining the preferences of electors in a province on appointments to the Senate within the existing process of summoning senators.

Can the Leader of the Government in the Senate inform us as to the state of pending constitutional amendment discussions with the provinces and can she tell us when we might be advised of the status of that negotiation, if it is on going?

Hon. Marjory LeBreton (Leader of the Government): I think the preamble is pretty clear. Obviously, to make major changes in the Senate would require a constitutional amendment, the so-called 7-50 ratio.

In view of the fact that is not possible, at the present time, the bill provides the government the opportunity to appoint people to this chamber who have been selected by the public in the various provinces where vacancies exist.

To stress the importance of this legislation, as Senator Stratton very aptly pointed out on a couple of media shows he appeared on last night — and I think it is a very good point — before the end of 2009, there will be 26 or 27 vacancies. If we had 26 or 27 senators appointed to this chamber selected by the public, I think that would certainly change the tenor in this place, and it would contribute to debate and bring in new ideas and fresh blood. By virtue of those people entering the Senate, we will have gone a long way in addressing the issue of Senate reform.

[Senator Hays]

Senator Hays: There is no discussion or negotiation with the provinces on a formal process of Senate reform, and I would urge on the minister that this is probably the only way that the laudable objective of this initiative can really be achieved.

• (1410)

I have heard the comments from the leader's side that there will be an elected Senate. This bill is carefully drafted. The word "election" does not appear. It has been substituted by "consultation." If there is an elected Senate, there will have to be negotiations with the provinces. Only if there is not an election will this bill have any chance of becoming law.

It is a good idea that it be mentioned in the preamble. If the answer is there is no discussion and negotiation now, may we expect there will be in the immediate future?

Senator LeBreton: Honourable senators, we are trying to achieve the doable. I thank the honourable senator for saying the bill is carefully written. That is why it is called a Senate selection appointments process.

People in provinces where there are Senate vacancies do have a direct say. There will be a ballot, an election, and it will be incumbent upon the Prime Minister to ask the Governor General to make appointments.

In terms of whether the Prime Minister had consultations with the provinces and territories about this issue, I am not in a position to comment. The issue did come up last summer when the premiers were meeting. The Prime Minister was not there. A significant number of premiers waded into this matter on their own and favoured abolition of the Senate.

An Hon. Senator: Hear, hear.

[Translation]

MINORITY REPRESENTATION

Hon. Pierrette Ringuette: Honourable senators, what I find very difficult to accept, and what has been mentioned many times over the past few months in this chamber whenever we discuss Senate reform, is the absence of acknowledgement of and consideration for minority representation in Parliament. The bill tabled yesterday in the House of Commons by your Prime Minister fails to acknowledge it. Not even remotely. It is as though, for him, minorities do not exist in this country. He is only thinking of the majority. We know who the majority is. How will you amend this bill to recognize that this country's minorities must be represented in the Senate, regardless of how that happens?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator. I think she sells her people very short. People in the various jurisdictions will be able to get on the ballot. I dare say, if there were a Senate election in the province of New Brunswick, the Acadian, francophone, and Aboriginal communities would have a lot of support province-wide. We are talking about a single transferable vote where people will put their choices down by preference.

The honourable senator's fears about minorities are not well-founded. I have great faith that the electors of the jurisdictions will be able to recognize the importance of diversity in an important body like the Senate, especially when they can choose who will be in the Senate.

• (1415)

There is probably more opportunity, now that we have put the decision in the hands of the public where it belongs, than with the system we have at the present time.

Senator Ringuette: "My" people? What and how does the Leader of the Government in the Senate define "my" people? Every Canadian, as per the Charter of Rights and Freedoms and the Constitution, is equal. There is no "my" people and "your" people. Please define properly.

Senator LeBreton: I was listening to the statement of the honourable senator. My people are your people are my people. I only used that reference because the honourable senator has specifically talked about the group of people that she is proud to represent. I in no way suggest there is not total equality in this country. I hasten to point out my own husband has Acadian roots going back to New Brunswick.

If the honourable senator is offended by my response, I regret that. She can do the playing-of-the-violin routine as she is now.

Senator Cordy: Shame.

Senator Milne: Shame.

Senator LeBreton: That is what I saw her do. It is not becoming. I am very proud of my husband's family roots. I am proud of every Canadian. I love my seatmate with his Acadian background.

Senator Mercer: This is too much information.

Senator Rompkey: I would get it in the will.

Senator LeBreton: I am very proud of my own Northern Irish Protestant background.

PROVINCE-WIDE CONSULTATIONS— CONSTITUTIONALITY REGARDING QUEBEC DISTRICTS

Hon. Joan Fraser (Deputy Leader of the Opposition): I am not as courteous and diplomatic as my leader, who carefully referred to this bill as providing for consultation. I have read every word of this bill, including the incomprehensible bits like the section on the voting system. As far as I am concerned, this is a bill for elections.

Indeed, in one answer, the honourable senator's tongue slipped and she even used the word "election." It is clearly a bill about elections, large chunks of it taken directly from the Canada Elections Act. As it stands, as far as I can see, it is flagrantly and blatantly unconstitutional in at least five ways — probably more, I have only gone through it once. Nowhere is that blithe disregard of the Constitution more evident than in the case of my province of Quebec.

The minister knows, as Senator Ringuette reminded us a few minutes ago, that the Constitution of Canada ordains — whether the government likes it or not — that senators from Quebec shall represent specific districts, 24 of them. It says that in the Constitution Act, 1867, in section 22.4. We cannot get away from it.

The bill provides for province-wide elections. There is no reference anywhere in this bill to the particular constitutional requirements for Quebec. I have seen it reported in the press that the plan would be to have province-wide elections in Quebec, as everywhere else, and then designate one of the elected people to represent the district.

Senator Tkachuk: Just like now.

Senator Fraser: There is a difference between "just like now" and elections. The point of elections is that the people voting vote for the people who will represent them.

This would be an election where, for example, the people of Montreal would elect every single senator, senators representing la Beauce, senators representing the Lower North Shore, senators representing Gatineau.

Senator Mercer: The Saguenay.

• (1420)

Senator Fraser: Everywhere, because that is where the voters are, by definition. They are in Montreal. The single transferable vote is no help at all because, by and large, these elections will be for one person at a time. Therefore, how can the government justify this blatant disregard for the constitutional rights of the people of Quebec?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. I did not make a slip of the tongue when I mentioned elections. The bill provides for a Senate selection-appointment process after provinces are given the opportunity to vote on a list of people who have made known their desire to serve in the Senate. That was not a slip of the tongue.

I do not know why senators oppose fear this measure so much. They should see it as an opportunity to make major changes in this chamber. I was in charge of appointments in the Prime Minister's Office under then-Prime Minister Mulroney, and Senator Downe did the same in the Prime Minister's Office under then-Prime Minister Chrétien. The current system is a sham. We would run around to find a senator, and then the senator would run around and buy property worth \$4,000 in the district to justify the appointment.

Senator Mercer: Maybe that is what happened in the Mulroney days.

Senator LeBreton: Under the selection process, the people voting province-wide will know which district the person will represent.

Senator Mercer: How will they know that?

Senator LeBreton: They will represent the district where the vacancy is. There will not be a person chosen who will then run around trying to find property to buy in a district that they have never even driven through, let alone lived in.

With the Senate selection process, the people who are voting will be well aware that the person for whom they are voting will represent a specific area in that province.

Senator Fraser: The leader has been involved in elections far longer and much more directly than have I. The point is that people will be voting for candidates who will not be their representatives. That seems to me to be contrary to a great many things, including the equality provisions in the Charter.

As we know, and as Senator Ringuette has said, those districts were set up in the British North America Act of 1867 precisely in order to protect minorities — and in the case of Quebec, the English-speaking minority.

Senator Prud'homme: Only in the case of Quebec.

Senator Fraser: In the case of Quebec, the minority is of those who speak English, Senator Prud'homme. I understand that.

One person, and only one, is being elected province-wide in any province. What guarantee can the Leader of the Government offer that the one person elected will ever represent a minority? Nowadays when minorities are elected, they do so in specific districts, often with considerable consultation with that minority in that district. When the voting is province-wide, what assurance can the leader offer that any anglophone from Quebec would ever be elected to the Senate; that any francophone from Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, Nova Scotia, or any place other than Quebec, would ever be elected to the Senate?

Senator LeBreton: My answer to Senator Fraser will be similar to my answer to Senator Ringuette. With the diversity that we have in Canada, surely the honourable senator has more faith in her fellow citizens than that. Looking at the current makeup of the House of Commons, there are many people in predominantly white ridings who vote for people of other backgrounds.

• (1425)

I think the honourable senator is selling Canadians very short. This bill is only about filling vacancies as they arise, in a province-wide Senate selection process. Being cognizant of the district where the vacancy occurs, I feel quite confident that my fellow citizens — in particular, the population in Quebec — would take into account the fact that they are selecting a person to represent the region in which the vacancy has occurred.

Honourable senators, this is a good step towards bringing the public into the process of deciding who sits in this place. I cannot imagine why the questioning has been mostly centred on why it cannot happen, as opposed to why it can happen and how to help it happen. If most senators thought of their fellow citizens, they would at least trust them with the decision, just as they do in the House of Commons. Looking at the makeup of the representation in the House of Commons, the Canadian public has been very good at voting for people on the basis of their qualifications and not being overly concerned because their personal idiosyncrasies are not reflected in that person.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to two oral questions raised by the Honourable Senator Banks on November 8, 2006, regarding Afghanistan — delivery and allocation of aid, and on November 28, 2006, regarding reductions to funding of environmental programs.

NATIONAL DEFENCE

AFGHANISTAN—VISITS BY PARLIAMENTARY DELEGATIONS—ENTERTAINMENT FOR TROOPS—DELIVERY AND ALLOCATION OF AID

(Response to question raised by Hon. Tommy Banks on November 8, 2006)

The Government of Afghanistan elaborated its National Development Strategy (ANDS) to guide development efforts and measure progress over the next 5 years. The best and most lasting development progress is achieved when Afghans themselves are leading the way. Canada, through the Canadian International Development Agency (CIDA), supports Afghan designed and led National Programs that bring benefits and basic services to Afghans across the country.

CIDA is implementing a two-track plan of stability in Kandahar, and nation building countrywide. While Canada's military engagement may be limited to the southern part of Afghanistan, Canada's development commitment and engagement supports Afghanistan and its citizens as a whole. Canada allocated \$100 million for development in Afghanistan this year. The CIDA contribution to Kandahar is currently estimated to reach \$20 million this year, based both on our support to National Programs, which will benefit Kandahar Province this year, and specific initiatives we are launching in Kandahar.

The majority of CIDA's funding support to reconstruction and development is directed towards supporting Afghan National Programs that are led by the Government of Afghanistan and planned and implemented in collaboration with international organizations and NGOs. In a fragile state like Afghanistan, supporting nation-wide programs reduces the potential of political and financial risks, and helps consolidate gains made in other, more secure parts of the country, ensuring that they do not fall into instability. Additionally, the institutional capacity to absorb \$100 million in development funding is not currently in place in Kandahar, given the precarious security situation in the province.

The majority of CIDA's funding is channelled through reputable and well-managed partner organizations including the World Bank, UN organizations and internationally recognized NGOs. Each partner organization undertakes rigorous accounting and reporting procedures. Canada does not generally provide direct funding to the Afghan

Government. There are two exceptions: 1) a small, 3-year pilot program management office, at a cost of approximately \$1 million per year; and 2) an alternative livelihoods pilot project in Kandahar (\$1 million, initially), which is implemented through the Ministry of Rural Rehabilitation and Development. The institutional capacity of the Government of Afghanistan is continually improving, which will eventually enable them to take on a more substantial role in financial management.

AGRICULTURE AND AGRI-FOOD

REDUCTIONS TO FUNDING OF ENVIRONMENTAL PROGRAMS

(Response to question raised by Hon. Tommy Banks on November 28, 2006)

The Government of Canada is working with farmers to help them contribute to a healthy environment.

Farmers want meaningful and effective programs to help them achieve measurable improvement in the quality of Canada's air, water, land and bio-diversity.

AAFC programs, such as Environmental Farm Plans and the National Farm Stewardship Program, help farmers implement management practices that benefit the environment.

The Government of Canada also invests in science and innovation to give our farmers better tools to improve the environment. As well, the National Agri-Environmental Health Analysis Program monitors and reports on the sector's environmental progress.

The Globe and Mail's reference to "Agriculture Canada's spending will drop from \$331 million in the current fiscal year to just \$158.5 million in 2008-09" reflects the end of the five-year Agricultural Policy Framework and fails to mention that the Government of Canada, together with its provincial partners, is consulting with farmers and other Canadians to develop the next generation of agricultural and agri-food policy.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that when we proceed to Government Business, the Senate shall consider the business in the following order: third reading of Bill C-25, to amend the Proceeds of Crime Act and third reading of Bill C-24, to impose a charge on the export of certain softwood lumber products to the United States, followed by the other items in the order in which they stand on the Order Paper.

[English]

PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT INCOME TAX ACT

BILL TO AMEND—THIRD READING

Hon. W. David Angus moved third reading of Bill C-25, to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act..

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE BILL, 2006

THIRD READING

Hon. David Tkachuk moved third reading of Bill C-24, to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence.

He said: Honourable senators, I would like to make a few comments on Bill C-24 before we proceed to the vote.

• (1430)

I would like to thank all honourable senators for their discussions during second reading and clause-by-clause consideration during the committee proceedings. It has given us all a chance to reflect carefully on this bill.

Time is of the essence for this bill, and senators have responded. Our lumber industry is facing some tough times: There are weak markets, rising production costs and a high Canadian dollar. The softwood lumber agreement will help our lumber companies weather these tough times by providing a stable, predictable trade environment.

One of the clearest benefits is the refunded duties as a result of the tariff on the industry, more than \$5 billion in Canadian funds — money, I might add, that our lumber companies are already putting to excellent use in reinvesting in their enterprises. It is hard to put a price on this kind of stable environment. Businesses rely on stability and predictability, as I said in my speech on second reading, and this agreement, along with this legislation, creates just such an environment.

For the better part of the last two decades, our softwood lumber industry has been engaged in a number of drawn-out legal battles with the United States in what has proven to be the single most litigated trade case in Canadian history. One of the great myths about this dispute is that if only Canada would hold out for the ultimate win in litigation, this agreement would not be necessary.

Some have argued that the ruling of the U.S. Court of International Trade in favour of Canada on October 13 was just such a win. They pointed to it as evidence that we should have persisted with our litigation strategy and held out for the final, legal victory rather than negotiate an end to this costly dispute. However, CIT decisions are subject to appeal and, indeed, the United States filed an appeal in this case only a few days ago, on December 11, and this appeal could last for more than a year if we had not reached an agreement. Canadian exporters would have continued to pay duties throughout the course of this appeal and would not have received the billions of dollars that are now flowing to them. Make no mistake, without this agreement in place, these cases would go on for years and take a heavy toll on our softwood lumber industry.

We heard much about what is wrong with this agreement from those on the other side, and that is fair enough. As I said in my speech at second reading, no agreement is perfect. Even an agreement that the Liberals had between 1996 and 2001 was not perfect, but it was an agreement. The fact is that in spite of the constant and costly litigation that has characterized this dispute, since their agreement ended the Liberals themselves were in search of a follow-up agreement. In fact, they tried hard to get an agreement that would have ended the litigation as well.

What this establishes, honourable senators, beyond refutation, is that we all agree on the principle of the agreement and the principle of the bill that it is important to have an agreement. During the last five years, while the previous government was in power and the litigation was taking place, they were running parallel negotiations with the United States trying to get an agreement while the court cases were taking place. It was not only a strategy of litigation, as some would have us believe in this place, it was a strategy of litigation and a strategy of trying to get a lumber agreement, which is exactly what this government has achieved. To argue otherwise is to be willfully blind to the facts in order to serve a political purpose.

The only thing that seems to suggest is that what underlies criticism of this agreement, and the fact that we have one, is that we just do not like what it says, and the critics can then come back later on and say, "Oh, by the way, what we should have done is followed some kind of litigation strategy rather than an agreement strategy," which was, indeed, the strategy of the previous government as well as our government. Proof of that is the fact that Senator Mitchell referred to the Liberal plan in great detail in his speech, so they did have a plan for an agreement, and that is exactly what it remained: a plan. The Liberals had five years to turn that plan into an agreement and bring this trade dispute to an end.

Whether honourable senators opposite like it or not, this agreement was to the complete satisfaction of all the lumber-producing provinces in Canada, and 90 per cent of the industry. Between April 2002 and March 2006, the government spent more than \$40 million in legal fees defending the interests of our softwood lumber industry. Therefore, when I hear calls to continue litigation, I must remind people of the steep price of taking that path. We must not forget that companies would still be forced to pay punishing duties to the United States — duties that would go straight to the treasury of the United States.

Honourable senators, the fact is that we can no longer afford to fight a lumber war on the backs of Canadian workers and companies, and the softwood lumber agreement puts an end to

that war. The next step is to pass this bill, which will fulfill our commitment under the softwood lumber agreement.

I want to thank honourable senators for their cooperation on this matter. I also want honourable senators to consider the cost to over 300,000 people in lumber communities across the country who rely on a stable and predictable trading environment for their livelihoods, and who will be better off because of this agreement.

Let me ask once again for your support of Bill C-24 in order that we may write the next chapter in Canada's lumber history.

Hon. Grant Mitchell: Honourable senators, I will summarize some of the comments that I made earlier, and I will emphasize some points that came out of the conversation that we had before the committee with the minister responsible for this agreement.

I will say that we have severe, serious concerns with this agreement. We were able to present in committee, and have committee approval of, a series of observations that outlined our concerns with the agreement and I would like to summarize those for the benefit of my honourable colleagues.

The first concern that we have is that this agreement leaves 20 per cent of the duties that were charged by the American government — \$1 billion — in the United States. What is particularly galling is that \$500 million of that amount will be given to the industry in the United States and the industry will be able to use that money to expand markets, create unfair competition, as it were, with the Canadian industry, their Canadian counterparts. Essentially, the U.S. structure has been given Canadian company money to compete against those Canadian companies.

A further irony and a further galling feature is that, in turn, it appears that our Canadian industry will not be able to obtain similar support from our government structure. In fact, it seems — and I believe this is not a coincidence — that there were a series of programs that the previous Liberal government had proposed for support of the lumber industry in Canada, amongst them loan guarantees and, in particular, grants specifically for environmental upgrading and the upgrading of environmental practices by that industry. Those programs have been cancelled by this government, the new government.

I asked that question of the minister, and he was not very helpful in dispelling the idea that, in fact, these programs had been cancelled because of something that had gone on in the negotiations. The conclusion is that we probably have lost our ability as governments, both federal and provincial, to support our lumber industry in any way because of this agreement.

As I said, that is particularly galling because of that \$500 million of Canadian money that is sitting with the American industry, and it can actually be used to enhance their competition with us. Therefore the first major concern is that there is \$1 billion that is Canadian money left in the United States that can be used against the Canadian industry.

The second concern is that it appears we have lost a good deal of our sovereignty over our own industry because Canadian federal and provincial governments will be limited, if not prohibited, in their ability to provide direct support for that industry.

• (1440)

A third issue is the fundamental premise upon which the government defended this agreement. It had said that above all else the industry needs stability. There is an argument to be made that markets do not like instability. However, the argument that this agreement will provide stability is at least suspect because within two years of the commencement of this agreement, which will be retroactive to October 12, 2006, it can be cancelled by us or by the Americans. When I asked the minister about that issue, he said that cancellation would not likely happen and that there are side letters to that effect.

I am not aware of those side letters being public, although it would be useful if they were made public. Regardless of what those letters state, we know the nature of the U.S. posture and predisposition in these kinds of relationships. It is wise to anticipate that at the end of the two years, should circumstances become unfavourable for the U.S. industry, they will be back to cancel this agreement. A two-year horizon on this agreement with the potential for cancellation at that time does not provide the stability that is the fundamental premise upon which this government defends the agreement.

A fourth issue is that this agreement will cause the export of Canadian jobs in this industry to other countries, largely to the United States. When I asked the minister whether the \$4 billion that our industry will get back finally might be used to invest in markets, plants and jobs in the United States, he said that he was not concerned about that because these companies have to be globally competitive. He admitted, and it is common knowledge, that Canadian companies are beginning to invest more broadly in the United States and to buy plants and, thereby, create jobs in the industry. They are failing to do that in Canada.

The minister was quite happy to say that these companies should become more globally competitive. The response is that it is one thing for a company to become more globally competitive if it chooses to do so because it sees an advantage to taking such an initiative. However, when the initiative to become globally competitive is stimulated because of a government agreement that limits the company's options, then there should be concern.

The fundamental conclusion confirmed by the minister is that this industry will begin to slip away from Canada and that jobs will be created in the United States, not in Canada, because the tax structure required in this agreement will cause that to occur. Many stakeholders are deeply concerned about that; two come to mind. First, there is the United Steelworkers union, which represents a good portion of the workers in this industry. They have seen this happen already, particularly in British Columbia, and believe that they have not been heard adequately on this issue.

Second, there are the small rural communities that often depend on a single plant or a single feature of this industry for local livelihoods. Jobs will be lost in such communities across the country and will further damage our rural communities and our rural economies.

I asked whether the government had assessed the potential job losses, prepared an economic cost/benefit or knew what impact the bill will have on rural economies. It would have been reassuring to have the simple, single-word answer "yes," but that has not happened. I would like to draw on the idea that much of

what this government does is driven by ideology, bias and predisposition rather than by hard cold facts and analysis.

A fifth issue is that this agreement creates a dangerous precedent in circumventing the NAFTA dispute resolution process. Clearly, if the industry is rewarded for circumventing the NAFTA, for never accepting the many rulings that we won under that agreement and under international trade structures and tribunals, then it inevitably weakens NAFTA. We can see that in short order other sectors in the United States economy will try exactly the same tactics.

The minister tried to say that because we settled this softwood lumber issue it would not progress to other areas of this industry, such as fibreboard. However, he gave us no reason to expect that or to understand why this would somehow be a prohibition and that this agreement would somehow create a wall between this and other sections of the industry.

The Canadian Independent Lumber Remanufacturers Association is very concerned that under option B they have not been told how called-for quotas will be established fairly. The minister could not give us that reassurance or whether quotas could be done in a structured and fair way.

Honourable senators, that is a summary of the observations that the Liberal members of the committee made in criticism of this agreement. We remain very uneasy about it. The bill will pass on division, but the committee will continue, I am told, to monitor this agreement in great detail and hopefully conduct an in-depth study of the progress of the agreement once some experience with it has developed.

Certainly, I am disappointed with this agreement and believe that the government has prepared it quickly to try to hurry it through with a political objective in mind, which is to look decisive regardless of the cost to an important industry in this country.

Hon. Hugh Segal: Would Senator Mitchell accept a question?

Senator Mitchell: Yes.

Senator Segal: In putting my question, I express my appreciation for the collaboration yesterday of senators on all sides in addressing the bill and for the focus and precision of the observations added by the majority on the committee. Although it only passed 6 to 4, it is nevertheless part of the record and part of the report. First, when asked about the 20 per cent, the minister said that it was closer to a little under 18 per cent relative to the amount left in American hands on the total amount held in escrow.

Second, with respect to the side letters, it is my recollection that the minister said that they were available on the department's website and accessible to anyone who wanted to see them. There has been no effort at obfuscation.

Third, with respect to the cancellation provisions, I believe it was the minister's contention that as these provisions go in bilateral arrangements generally, this was one of the longer

cancellation notices seen anywhere, and I recall him having put that on the record. I want to ensure that my recollection is the same as that of my honourable colleague in this respect.

Senator Mitchell: Thank you for that question; I appreciate it.

• (1450)

I would also like to say to Senator Segal that I appreciated it greatly when he welcomed me to the committee. He ran the committee exceptionally well.

Some Hon. Senators: Come on.

Senator Mitchell: I have to say he did. We were collaborating, and I was very impressed by that.

I did not receive such a warm welcome from his colleague Senator Angus when I appeared before the Environment Committee earlier this week, so I am using that as an example of how he might want to conduct himself.

First, I did hear the minister say 18 per cent instead of 20 per cent. It is the first time I had heard that, and I take him at his word. If I was incorrect in stating that it was \$1 billion, I am sorry; I was \$20 million out on \$1 billion. However, \$980 million is still an awful lot of money — at least it is to those senators on this side of the house, and I am sure it is to those people who will lose their jobs because of the extra competitiveness that this industry will be able to buy because of the money we left on the U.S. table.

Second, I accept the honourable senator's point that the minister stated in the committee that these letters were on the website. Sometimes when one is getting ready for the next question, one is thinking about it. I apologize to the Senate for having said that when in fact it was incorrect. I will look at those letters.

Third, with respect to the length of the cancellation, I cannot remember how many times this government, when it was in opposition — and were those not the great days — would often say that precedent is not good enough and that they could never rely on precedent. Two years may be the longest period before the government can get out of these agreements. I do not know that, but I do know, being from Alberta where we have a great deal of common sense, that two years is not long and does not create a lot of stability in markets.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I would like to add a few words to those of Senator Mitchell. He has covered the report of the Standing Senate Committee on Foreign Affairs and International Trade, which made these observations. They summarize quite well, together with Senator Mitchell's elaborations, why we, on this side, are not great fans of the agreement that Bill C-24 ratifies.

With Bill C-2, the flaws arose because the government was more interested in presenting something they held out as accountability and transparency, somewhat of a facade, when in reality what was delivered was much less than what was held out. I hope that as time passes through private member's bills or other means we are able to strengthen that legislation and make it what it was held out to be.

With Bill C-24, the flaws have arisen because the government was determined to be seen as having successfully negotiated an agreement with the United States on the softwood lumber dispute, regardless of the actual cost to the softwood industry.

The genesis of this bill goes back to the free trade agreement negotiated by the last Conservative government. We sometimes wonder how good that agreement is, particularly when we look at this agreement that is being ratified by Bill C-24.

When the free trade legislation was making its way through the Senate in December of 1988, Senator Austin said:

Somewhere along the way we must review the highly unfortunate softwood lumber issue, which has had such a serious impact on the cost-base of our forest industry in British Columbia. Here was a case where U.S. bullying was too intimidating for the Mulroney government to deal with, and unfortunately, there is nothing in this agreement to prevent the same thing from happening again.

Senator Austin's concerns in 1988 were confirmed in 2006 by Gordon Ritchie, who was intimately involved with the FTA negotiations. On November 21 of this year, he told the Standing Senate Committee on Foreign Affairs and International Trade that the softwood lumber issue was, in his words, "the problem child of free trade" and that "it has always been too explosive to accommodate within the free trade agreement."

The way the current Conservative government has decided to deal with the softwood lumber issue in 2006 is the same way the Conservative government behaved in 1988, which was to once again bow to American demands.

[Translation]

The agreement being ratified by Bill C-24 was reached between Canada and the United States on September 12, 2006, and tabled in the other place on September 20, 2006. This bill did not arrive in the Senate until last week. We are now being asked to deal with it quickly, despite its obvious flaws, under the pretext that our softwood lumber industry cannot tolerate uncertainty and that the partial repayment of the tariffs unduly collected by the U.S. will not happen until this bill is passed.

What is especially disappointing is that Bill C-24 represents another broken election promise by this government. But Canadians are getting used to this type of behaviour, especially in light of the government's actions in the income trust matter.

[English]

During the election campaign, the Conservative platform, at page 19, stated:

A Conservative government will: Demand that the U.S. government play by the rules on softwood lumber. The U.S. must abide by the NAFTA ruling on softwood lumber, repeal the Byrd Amendment, and return the more than \$5 billion in illegal softwood lumber tariffs to Canadian producers.

None of this has happened. The United States has not abided by the NAFTA ruling on softwood lumber and our government has voluntarily agreed that the United States need not return to

Canadian producers more than \$5 billion in illegal softwood lumber tariffs. In fact, so desperate was the Conservative government to be seen to have successfully negotiated a settlement that it gave the Americans more than \$1 billion to entice them to sign what is in the end not a good agreement.

Honourable senators, \$1 billion is a lot of money that should have been flowing into the pockets of Canadians in our lumber communities instead of remaining in the pockets of American administrators to be used for the benefit of American communities.

The self-styled "New Government of Canada" would now have Canadians believe that this outcome is a victory. It may be a victory, but it is not a victory for Canadians. That much is certainly clear from what has been reported in the media and from what our Standing Senate Committee on Foreign Affairs and International Trade heard last month.

Though our committee concluded its formal examination of the bill itself in just one day, people should not be left to conclude that the matter was not studied. On June 28 of this year, the Standing Senate Committee on Foreign Affairs and International Trade, ably chaired by Senator Segal, received a reference from the Senate to examine the Canada-United States Softwood Lumber Agreement. The committee held meetings November 7, 21, 22 and 28. During its meeting of November 21, it heard from David Emerson, the Minister for International Trade, as well as from a number of other witnesses. The committee presented its report to the Senate on this order of reference on November 29. Though by outward appearance the Senate may have been seen as giving short shrift to Bill C-24, the fact of the matter is the committee examination took place. I acknowledge more could have been done, but the government is adamant that it wants this legislation passed before the Christmas break. Furthermore, there are constraints that we, as an unelected chamber, must recognize when it comes to implementing international agreements negotiated by the Government of Canada and approved by the members of the other place.

The current government might not respect the international obligations entered into by its predecessors, as we have seen by its treatment of the Kyoto agreement, but in the Senate, we view our international commitments differently, even when we believe they are flawed. Hopefully this self-styled "New Government of Canada" will come to appreciate that the centuries-old tradition of respecting international obligations is not simply some old-fashioned anachronism of days gone by that can be relegated to the rubbish heap as a matter of convenience. International agreements should be respected.

• (1500)

In saying this, I note that the free trade agreement of 1988 represented such a fundamental shift in Canadian policy, and was so at odds to what the Conservative Party campaigned on in 1984 that Canadians had a right to have a say; and the Senate ensured that Canadians were given that opportunity.

What occurred in 1988 with the FTA does not go against the more general proposition that all of us should show some respect for international agreements. As a member of the international community, Canada has an international reputation to protect.

Honourable senators, let me conclude by saying that none of us on this side of the chamber is comfortable with the softwood lumber agreement that was negotiated, or with the manner in which this legislation will pass in Parliament. However, for reasons I have mentioned, we will agree to proceed nevertheless.

We do, however, hope that what we have seen with Bill C-2, and now with Bill C-24, where promises were made and broken, will not soon be repeated.

Hon. A. Raynell Andreychuk: Honourable senators, I wish to rise to speak to Bill C-24 — not to the content of the bill, as other senators have spoken on the matter. What I wish to bring again to the attention of the senators in this chamber is that there are observations attached to the report that are not observations of the committee but observations of the majority of the committee. By definition, they are the opposition members who, in a vote taken in the committee, attached five paragraphs to the bill. I believe that this is not the appropriate use of observations, nor do I believe that we should continue to encourage this type of action.

We had the time within the committee — and in speeches here in the chamber — to discuss the bill. Once the bill passed, the observations that we have used over the last 10 to 13 years, have been when the majority of the committee wishes to speak on some issue. Most notably, I think you will see later today the use of an observation that we have allowed by convention.

This is the second time in this session that we have attached observations from one side — in essence, a continuation of a debate and the issues in the bill. I do not believe that is an appropriate use of observations. I want that on the record. I propose to continue to fully debate this issue on a motion I have before the Senate, but I wished this not to go unnoticed.

Hon. Eymard G. Corbin: Honourable senators, I wish to take issue with a statement made by Senator Andreychuk a moment ago, when the honourable senator stated that the observations are not the observations of the committee, but the observations of the majority.

Any report from a committee is always "the" report of the committee. That is the way Parliament has always treated reports of committees. They are not reports of the minority or the majority.

If a party to the study of a bill wishes to comment as to a difference of opinion, it is perfectly entitled to do so. That has been the parliamentary tradition in Canada for a number of decades. In fact, that tradition has been amplified to some considerable degree in the other place.

We had a formal vote with respect to the observations attached to the bill. How much more formal could you be in terms of the report being the report of the committee, when there was a recorded division where a majority of senators expressed a wish that the text of our observations be tabled with the report?

It is not practical or conducive to good parliamentary practice to say that observations to a bill, or any other study by a committee of the Senate, must be qualified as the report of the majority. It must be the report of the committee, so much so that when the chair or whoever reports the document or the findings

back to the chamber — usually the chair of the committee — the chair tables the report, period.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

Motion agreed to and bill read third time and passed, on division.

PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT INCOME TAX ACT

POST-HOC COMMENTS

The Hon. the Speaker: Honourable senators, could I have the consent of the house that the honourable Senators Angus and Grafstein be allowed to give a post-hoc statement for the record, that would be appended to the debates on Bill C-25, which is now in the House of Commons?

Hon. Senators: Agreed.

Hon. W. David Angus: Thank you, Your Honour and honourable senators. I am very pleased with the whole process of this bill, as it has moved through the Senate and Parliament. The fact that we have given it third reading today will enable Canada to get up to speed and honour its obligations to its colleagues and peer nations at the financial action task force, or the FATF, as it is colloquially known. A prominent Canadian veteran of our Finance Department currently chairs this task force. More importantly, it will perhaps enable Canada to perform well in the mutual evaluation process, due to take place early in the new year. Canada is the next nation to be held up to this peer review; and I might say, honourable senators, this is not a trivial process.

I hold up a document, dated June 23, entitled *Summary of the Third Mutual Evaluation Report on Anti-Money Laundering and Combating the Financing of Terrorism*, which was conducted on the performance of the United States.

The committee informed us that Canada really needed this legislation to enable it to face up to this process and come out with a reasonable grade. That is not to say that it will be a perfect grade.

Honourable senators, I especially want to thank Senator Grafstein, the Chairman of the Standing Senate Committee on Banking, Trade and Commerce, and the other members of the committee for their cooperation in getting this bill through, as we have done so expeditiously. I would like to thank the clerk, the wise and irrepressible Line Gravel, and the other invaluable support from the Parliamentary Library, our super scribe, Ms. June Dewetering, and her fine associates, Sheena Starky, Philippe Bergevin and Jean Dupuis, as well as the translators and

other technical support teams who have served the committee so well all this year.

Honourable senators, the bill was reported back here without amendment. However, it is important to emphasize that it did have observations attached to it, particularly on the issue of oversight of FINTRAC, the agency to which many bodies report — all the financial institutions and other organizations that see or suspect a suspicious transaction of money laundering. My colleague, Senator Grafstein, will speak to these observations in a moment.

Honourable senators, let me assure you that the committee has not finished its work in the area of money laundering and financing of terrorist legislation. We will continue our statutory review of this legislation early in the new year.

Honourable senators, this is very complex legislation. The more we get into it, the more we realize how delicate it is and how important it is that we do not get it wrong.

• (1510)

It is a moveable feast that needs to be constantly and carefully reviewed and updated especially, first, so that the law enforcement agencies are able to keep up with, or even ahead of, the ingenious criminals who are constantly trying to undermine and subvert our economy and our collective safety and security; second, to ensure that there is an appropriate balance maintained between the exigencies of safety and security and the stability of our economy, on the one hand, and the rights of individual citizens as to their privacy and their own rights under the charter on the other hand; third, the regulations that this enabling legislation opens up the right for us to enact. These regulations need to be narrowly tailored to ensure that they do not go beyond their intended scope.

Honourable senators can just imagine, upon looking at the enabling legislation carefully, that there is wide authority. We have made it clear, for example, to the people administering this law that we have this joint committee on scrutiny of regulations, and we would like it on the record that this is an important piece of legislation that has the potential to impinge on individual rights and, at the same time, protect us from much more nefarious potential acts.

Honourable senators, proportionality is a difficult thing to measure in this case, as the extent of illicit funds circulating in our economy has not been accurately quantified beyond what the legal authorities, the police, estimate as being in the billions and billions of dollars, perhaps \$30 billion or more, at the present time. They have constantly stated to us and the committee that they simply do not have the resources to properly enforce and do their job under these laws. That is another thing we want to be clear on the record: The resources are needed, and the authorities are crying out for the tools to do what is needed to be done in order to protect us in these two areas.

Particularly disturbing, honourable senators, were three senior officers in uniform from the RCMP who came before us last Thursday and mentioned to us in no uncertain terms that they know of 800 active operating organized crime syndicates functioning today in Canada, and that they are investigating, and that they only have the resources to investigate 150 out of the 800. Those figures speak for themselves. We were very troubled. In fact, the committee issued a press release following that

evidence. It has had substantial coverage. It behooves us, as senators, with a statutory mandate to review our money laundering and financing of terrorism laws to make this point, and we do make it. We are pleased, needless to say, that the bill was passed so quickly. However, we need to get these points on the record.

Honourable senators, the bill may not, in the committee's view, deal sufficiently with the legal profession in Canada. Companion or similar legislation in other FATF countries, other members of this task force, clearly have strong and stringent requirements of lawyers similar to what they have of the accounting profession, the banks, insurance companies and real estate brokers. Canada's lawyers did not accept it. They went to court and obtained an injunction. When this new bill came in, they left out the lawyers, other than to record a certain deal that was negotiated between the legal profession, which is self-regulating, so far, at least, on the issues of solicitor/client privilege. They negotiated a deal with the Department of Finance, and that deal is reflected in the law.

In the view of the committee, that does not go far enough. We have asked them to come back before us. We have told them of our concerns. We even told the representatives last Thursday from the Canadian Bar Association and the Federation of the Canadian Law Societies that they just do not get it. They have all promised to come back before us. They have prepared a tableau of every other country and what their laws are and what their rules for lawyers are. We are pleased about that, and they have promised to come back to us in February. We wanted to put that on the record. We have the same sort of legal system in Canada as in the U.S., the U.K. and many other countries. Yet here they are saying that this legislation impinges on the solicitor/client rule to the extent that they should not be subject to this law. We do not necessarily accept that statement, and many of us on the committee are lawyers.

All of this to say, honourable senators, that the Banking Committee has an ongoing mandate to review our money laundering and proceeds of crime legislation as outlined in our interim report of mid-October of this year. We undertake to continue that study in the new year. Thank you for your attention, honourable senators, and thank you for giving the bill third reading.

Hon. Jerahmiel S. Grafstein: I thank all honourable senators for giving us the indulgence to be able to comment on this bill. We think it is important because it touches every aspect of our economy. It is changing the way in which we do business in this country in order to stop the illicit flood of money laundering and financing for terrorism.

This is an important and substantive bill, and I thank all members of the committee on both sides who served on the committee. I again commend our staff. Many of us not only sat on this committee to deal with this bill but also reviewed the legislation in an interim study that was very comprehensive. We have previously reported to the Senate on that study. We made a number of recommendations, many of which were picked up in the legislation itself.

As Senator Angus has said, because of the transformation of the way in which we do business in this country that affects every businessman, every financial institution and every professional group, we feel it is important for this system to work properly. We

hope to achieve that through the date of proclamation, and I will talk about that method in a moment.

The committee has undertaken that we will come back and continue to monitor this bill to ensure that it works well in the interests of all Canadians. It affects all Canadians. Although we do not know, as Senator Angus pointed out, the quantum of the problem of illicit funding, money laundering and terrorist financing in this country, we do know it is large, and we know it is growing. We know from international sources that this business, not only in Canada but around the world, is one of the largest businesses in the world.

All senators in the committee were unanimous in agreement on this report because we want to ensure that Canada is not perceived as a safe haven for either illicit money laundering or terrorist funding. We think that by staunching the flow of those types of activities, we will make Canada a safe and sound place in which to invest, not only for domestic investors but also for international investors.

I will not repeat what Senator Angus has said, although I agree with all of it. I do think it important that we come back and examine the guidelines and regulations, because they are capacious and they have a wide ambit — not wider than the bill, but a wide ambit. Therefore, it is very important that not only the bill but the regulations are sensitive to the needs of businessmen who are trying to do honest work and yet are impeded as a result of the additional obligations that this bill places on them, as it does on financial institutions, large and small. We will come back and look at the regulations.

I see that the government bench is here. I would hope that before they proclaim this bill, they will allow the private sector the opportunity to survey the guidelines and the regulations in order to ensure that the work they have done has been done in an appropriate and proper fashion and in the most expeditious and productive way. We heard testimony from professionals, not just the lawyers but from accountants and from the credit unions and others, and they have new obligations. They are prepared to meet them, but they want an ample time to ensure that all their members and affiliates are fully aware of the implications and how to deal with them in a cost-effective way. There is an educational process as well as a legal process. We think that this is important.

I will not deal with some of the problems that we discovered in the bill, but this is a work in progress. We are concerned about one of the aspects in the bill, and that is the question of suspicious attempted transactions. We were looking carefully at the regulations to ensure that innocent people are not penalized for transactions that do not have a clear and careful definition. We will be sensitive to that issue, and we heard not only the lawyers but also the accountants and others speak to it.

I agree with Senator Angus about lawyers. Many of us on both sides are lawyers here. We are concerned with the public interest and solicitor-client privilege. I am a Q.C. and I am proud of it. I was given that Q.C. not by a Liberal government but a Conservative government — in the Province of Ontario, by your friend, Mr. Davis. By the way, I was one of the first in my class to get it. I carry that with great pride.

• (1520)

Having said that, the legal profession has raised an important issue that goes to the heart of our Constitution, and that is the question of solicitor-client privilege. There is a valid dispute about whether solicitor-client privilege should be self-regulated or curtailed by regulation.

We have allowed this matter to be dealt with by the lawyers but, as Senator Angus says, we will come back to it because there are other practices in the U.K. and the United States that impinge upon solicitor-client privilege in a different way without affecting the important constitutional right of solicitor-client privilege. That will be a matter of ongoing surveillance.

I urge all lawyers and those in legal professions to ensure that they work at this to come up with a formula with which the public interest will be satisfied. There is a large public interest with which we have to contend.

I want to deal with two final matters. I thank you very much for your patience, honourable senators.

First is the question of privacy. Because this new regime looks at every transaction over \$10,000 in the country, it touches every part of the economy. Your committee was concerned with the question of privacy. In fact, we worked with the government to ensure that there was an important measure implemented in the legislation that provides for privacy protection. Let me sum up the various stages that allow for privacy protection, because all of a sudden both sides of the house are concerned about privacy when it comes to these matters.

We have the assurances from the minister that he will look at these questions on a regular basis. We have the assurance that his officials will keep this subject in mind when they implement this legislation. We have it as well from the FINTRAC officials that they understand their responsibilities. In addition to that, we have the added protection of the Privacy Commissioner, who came to us with strange and esoteric testimony. We insisted on a two-year review by the Privacy Commissioner. When she spoke at our committee yesterday, she said, "I am not sure I can do a review every two years because of lack of resources."

We find ourselves in an invidious position. We have heard from Senator Angus that the RCMP believes it is underfunded, and we concur. The RCMP has not received the proper resources and forensic assistance it needs to prosecute. Less than 20 per cent of this activity is under current investigation. That is a scandal. We hope the government will see fit to increase the funding and the expertise of the RCMP. We will be monitoring that situation.

The Privacy Commissioner had the same complaint. She would like to undertake a regular study every two years, which is in the bill, but she says her resources are stretched.

If we are interested in privacy, honourable senators, we have to ensure that both the Privacy Commissioner and the RCMP have adequate resources. I will look to the Finance Committee and the government benches to ensure that when these bills are funded, they are funded with appropriate resources to attain the very important objectives that we are all now supporting.

Finally, I want to talk about the observation in our report. Unlike other committees, there is no question about our observations. Thank you very much, senator, for your

comment. Our observations are unanimous and they were carefully worked out. Let me explain to you why we added an observation to this bill. We studied it first under a mandatory review, and the government picked up many of our recommendations and we thank the government.

Let me read this observation on the record and make a very brief explanation. I will then conclude my comments.

While the Committee is reporting Bill C-25 without amendment, we wish to observe that certain recommendations contained in our October 2006 report, entitled *Stemming the Flow of Illicit Money: A Priority for Canada*, have not been implemented in Bill C-25. In doing so, we note that Commissioner Dennis O'Connor — in his 12 December 2006, report ...

— that was a report that was just issued this week, while we were dealing with this bill —

...the *O'Connor Commission Report on Policy Review* — concluded that the federal government should extend independent review to the national security activities of a number of entities, including the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC).

— which is the subject matter of this bill. Quoting further from our observations, and referring now to Commissioner O'Connor:

He further concluded that the Security and Intelligence Review Committee (SIRC) is "the most appropriate body to review the national securities activities" of the entities identified by him. The Committee wishes to highlight recommendation 14 in our October 2006 report, which suggests periodic review of the operations of FINTRAC by SIRC. The Committee will continue to monitor the full range of issues related to money laundering in 2007 as we continue our work on statutory review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*.

What happened was this: We examined this question in our preliminary study, which was our mandatory study, and concluded that we wanted to have parliamentary oversight. We were persuaded, because of the question of confidentiality and security, that a more appropriate body to deal with this was the Privacy Commissioner. We recommended that, and that amendment was made in the report. We have a two-year mandatory review by the Privacy Commissioner, who, by the way, not only has that power but has, as we heard several days ago from Mr. Marleau, the power to make spot checks at any time on this activity. That is another added safeguard. The final safeguard is the five-year review, which we will undertake as well. We think that privacy subject to funding is well covered.

The question of SIRC to my mind is a more important issue because we have heard concerns about information of a private or suspicious nature occurring in Canada and then being transferred to other agencies outside of the country to make this system work. We are in favour of that.

Having said that, we strongly urge the government — and that is the purpose of this recommendation — to consider carefully whether or not SIRC's powers can be expanded to include the parliamentary overview of this particular legislation.

We will return to this measure again. This is a work-in-progress. I want to commend all honourable senators for their patience, indulgence and excellent work.

Hon. Yoine Goldstein: Honourable senators, I would like to address the issues raised by both senators who preceded me in connection with this bill, if I have the leave of the chamber to do so.

Let me start by stating that I was told the day before yesterday by some people that my remarks on Tuesday were partisan. Some people took offence to the extent that they were partisan. They were partisan; they were intended to be partisan; but they were not intended to offend. If anyone took offence, I respect each and every one of you too much to want to offend you, and I apologize for the offence, although I cannot in all honesty apologize for the thoughts.

I want to address the observations made by Senator Grafstein and Senator Angus. I sat on and do sit on this committee. I noted in this legislation, and in other legislation that goes through this house, that we frequently have concerns and problems with respect to the legislation. As a result of a variety of pressures, whether it is the end of the term or an urgency to adopt a particular piece of legislation because of an international pact that has been signed, or whether there is a concern because we want to abide by certain international undertakings — which is the case for the FINTRAC legislation — we usually pass the legislation unanimously. We usually pass the legislation and perhaps think that the legislation will be amended or changed in the not-too-distant future in order to have it comply with the concerns and the needs that are reflected in this chamber. We all know that the amending of legislation is not imminent. It does not follow immediately the passage of legislation. We find ourselves with this particular piece of legislation, subject as it is and will be to a five-year review, and subject as it is and will be to the various undertakings on the part of our committee to continue examining the issues. We find the legislation nevertheless with a number of difficult flaws with which we have not dealt.

• (1530)

Without going into each of the flaws, because honourable senators will have heard about some of them, we still do not know the extent of the problem that we are trying to avoid by passing this intrusive legislation. Although we asked the question many times, we were unable to get an answer as to the extent to which this problem exists.

We still have no assurance that when FINTRAC and other agencies share information with foreign agencies, that the foreign country receiving this information has privacy laws substantially the same as those of Canada in order to protect the dissemination of such information.

A new concept is introduced in this bill, the concept of foreign exposed persons, in virtue of which foreigners — not Canadians, but foreigners — who engage in what may be called suspicious transactions, by mere dint of the fact that they have become engaged in suspicious transactions, find themselves subject to surveillance by FINTRAC and possibly the RCMP. We do not know that the information that we must share with foreign

governments will not be used by those governments against the diplomats, in respect of whom we have effectively spied. We still do not know whether the Privacy Commissioner's biennial review will be adequate, because the scope of the review statutorily is extremely limited, and that can continue.

My point is not solely with respect to this legislation, which has now passed third reading and which will be proclaimed in the fullness of time. My concern is that we continue, it seems to me, to pass legislation that is not ready for passage.

I think back to the end of November of last year. We passed a fatally flawed Bill C-55 dealing with bankruptcy and insolvency, and we passed it because there was pressure from the other place to do so.

Honourable senators, I am proud of this place and the role this place plays in Canadian government and Canadian democracy. We are short changing ourselves, the system and our institution if we continue to pass legislation because of external pressures, independent of whether the legislation is good or not good, flawed or not flawed.

I want to respectfully urge each and every honourable senator to consider whether it is appropriate for us to find a way to change our rules so that we will not continue to pass legislation which ought not to be passed.

Hon. Senators: Hear, hear!

Senator Grafstein: I have only one comment in conclusion. In the bill, there is fulsome power to the Privacy Commissioner to deal with all aspects of information. It is unlimited. It is in the sections. I urge honourable senators, when they listen to Senator Goldstein's comments, to examine the legislation in detail. It is fulsome. SIRC will be another check and balance. I do not want the record to be incomplete.

Hon. Norman K. Atkins: Honourable senators, I have been listening to this debate. One issue keeps coming up that, quite frankly, really concerns me, and it relates to the number of RCMP who will be required to deal with the investigation of money laundering. I do not know whether honourable senators have any estimate of what they think the numbers of RCMP should be, but I can tell honourable senators that we in the Standing Senate Committee on National Security and Defence feel that there is a shortage of almost 1,000 RCMP for border security. Frankly, there are not enough facilities to train the RCMP that will be required, if they are to fill all the roles required in the present circumstances. I think this is an observation that is important to make.

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, December 14, 2006

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

NINTH REPORT

Your Committee, to which was referred Bill C-19, An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act, has, in obedience to the Order of Reference of Tuesday, November 21, 2006, examined the said Bill and now reports the same without amendment.

Your Committee appends to this report certain observations relating to the Bill.

Respectfully submitted,

DONALD H. OLIVER
Chair

Observations to the Ninth Report of the Standing Senate Committee on Legal and Constitutional Affairs

Your Committee is in favour of addressing directly the problem of street racing in Canada. It has, therefore, approved Bill C-19 without amendment. We do, however, have some concerns with how the bill may be implemented.

We understand that the bill does not apply to races organized by a recognized sanctioning body and subject to all applicable laws. The Minister of Justice told the Committee "Bill C-19 would not include legitimate motor sport activities. It will not criminalize races that occur on closed tracks, circuits, or streets closed to the public, or to rallies sanctioned by recognized motor sport authorities and conducted in accordance with the law." The Minister cited the Targa Newfoundland race as an example of what would not be included in Bill C-19.

Your Committee therefore requests the Department of Justice to monitor the implementation of Bill C-19 to ensure that it is not used to criminalize currently legal, sanctioned racing. We request that a copy of these observations be forwarded to the Department of Justice so that it may carry out this monitoring function.

THIRD READING

The Hon. the Speaker: When shall this bill be read the third time?

Hon. Donald H. Oliver: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(b), I move that the bill be read for the third time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senator, to adopt the motion?

[Senator Oliver]

Hon. Serge Joyal: Honourable senators, I will be very brief. I would like to inform all the senators in attendance in this chamber of the substance of the observations that we are appending to the report of the committee that reports this bill with no amendments. I would like to read the observations into our journals because they have, in my opinion, legal implications for the Crown prosecutor who will be responsible for the implementation of this bill.

Your Committee is in favour of addressing directly the problem of street racing in Canada. It has, therefore, approved Bill C-19 without amendment. We do, however, have some concerns with how the bill may be implemented.

We understand that the bill does not apply to races organized by a recognized sanctioning body and subject to all applicable laws. The Minister of Justice told the committee "Bill C-19 would not include legitimate motor sport activities. It will not criminalize races that occur on closed tracks, circuits or streets closed to the public, or to rallies sanctioned by recognized motor sport authorities and conducted in accordance with the law." The justice minister cited the Targa Newfoundland race as an example of what would not be included in Bill C-19.

Your Committee therefore requests the Department of Justice to monitor the implementation of Bill C-19 to ensure that it is not used to criminalize currently legal, sanctioned racing. We request that a copy of these observations be forwarded to the Department of Justice so that it may carry out this monitoring function.

It is, honourable senators, with that in mind that we recommend to this chamber that the bill be not amended but adopted, as introduced at second reading and as reported by the Honourable Senator Donald Oliver.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

• (1540)

[Translation]

ADJOURNMENT

MOTION ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 13, 2006, moved:

That when the Senate adjourns on Thursday, December 14, 2006, it do stand adjourned until Tuesday, January 30, 2007, at 2 p.m.

Motion agreed to.

[English]

NATIONAL BLOOD DONOR WEEK BILL

THIRD READING

Hon. Art Eggleton moved third reading of Bill S-214, respecting a National Blood Donor Week.

Hon. Terry M. Mercer: Honourable senators, I want to thank the committee for its diligence on this small but very important bill. I also thank Senator Cochrane for co-sponsoring this bill with me, as well as all members of the committee who spoke this morning and met with the members of Héma-Québec and Canadian Blood Services.

This bill will focus on the need for more donors of blood, plasma and platelets to help save Canadians.

What was interesting this morning was the tremendous number of volunteers that are needed to do this job. Over 800,000 donors are required every year to maintain the blood supply for Canadians.

Honourable senators, it is important that we pass this bill today. As we head into the holiday season, there is a huge demand for blood because of highway accidents, et cetera. I encourage all senators to adopt this bill.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

PERSONAL WATERCRAFT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-209, concerning personal watercraft in navigable waters.—(*Honourable Senator Comeau*)

Hon. W. David Angus: Honourable senators, I rise to speak at second reading of Bill S-209, which is Senator Spivak's private bill concerning personal watercraft in navigable waters.

We respect and admire Senator Spivak's tenacity in pushing this legislation. This is the fifth incarnation of this bill. It came before us under the rubric first of Bill S-26, then as Bill S-10, then as Bill S-8, and finally as Bill S-12. Now we are here with Bill S-209.

Honourable senators, although in its early stages, I came to know the bill as a member of the Standing Senate Committee on Energy, the Environment and Natural Resources. I had an agreement to disagree with Senator Spivak on this bill. However,

after watching her maintain her focus and push this bill forward, I have become an advocate of her position, subject to sending the bill to committee for serious study.

The officials at Transport Canada might find a way to reconcile the honourable senator's proposed legislation with their regulations under the rubric "Boating Restriction Regulations" made under the Canada Shipping Act and which pretty well covers the ground that this bill purports to cover.

This bill would allow local authorities to propose to a minister, designated by cabinet for the purposes of this act, to impose restrictions on the use of personal watercraft such as jet skis, or one of the commercial products, the Bombardier Sea-Doo or the Yamaha. These are annoying crafts that buzz around country homes and squirt water on docks and cause accidents. In Senator Spivak's view, these watercraft require direct regulation.

That this bill has come before us five times, now six, is why we empathize with Senator Spivak. She does not seem to be getting anywhere with Big Brother in the Department of Transport. It is about time we gave her a little help.

Currently, some municipalities and provinces have enacted their own restrictions on personal watercraft with anti-noise bylaws and provincial powers for environmental protection. Because the federal government has constitutional authority over navigable waterways, Senator Spivak's bill would give local authorities an explicit, federally mandated legal mechanism to impose restrictions on the use of personal watercraft on these waterways. Senator Spivak's Bill S-209 would give Canada a control measure similar to the one the Canadian Coast Guard proposed in 1994 but never adopted.

I was reading yesterday's Hansard where Senator Comeau said my speech on this bill would be a "brûleur de grange," which is a barn burner where I come from. I am finding it hard to burn down the barn. My heart is in this speech, honourable senators.

After consultation with affected communities, the bill allows local authorities to make proposals to the Minister of Transport regarding designated waterways where the operation of personal watercraft may be forbidden. These waterways will be listed as regulations in Schedule 1 of the act as established by the minister.

The bill also allows for local authorities, after consultation with affected communities, to make proposals to the minister regarding restrictions and rules governing the use of personal watercraft on waterways where their operation may be allowed, including speed limits, hours of operation, and limits when approaching shorelines. These waterways will be listed as regulations in Schedule 2 of the act as established by the minister. Schedule 2 will specify the prescribed restrictions applicable to each waterway.

• (1550)

I have studied this bill and it does not give broad authority to just outlaw these watercraft, but it does give enabling powers to local authorities to designate an area, which could be a children's camp, where there is particular danger. They can set off a little area where these craft cannot go within 500 yards, or even be in the area, whereas a mile or two down the lake or waterway, perhaps, it is perfectly fine for them to be there. It is in that spirit.

I might say I have noted in the context of these five other iterations of the bill that lengthy speeches have been given in this chamber on the subject-matter. I do not think the facts have changed in any way so I do not believe in trying to rewrite history. I would suggest, honourable senators, that we might incorporate in these remarks, *mutatis mutandis*, all of the nice things that were said about this legislation earlier on by Senator Spivak and others.

What I would say is that Bill S-209 contains a section on definition of terms used in the legislation, including definitions for local authority and personal watercraft.

As I understand it, honourable senators, the bill has been around for quite a few years, and so I think it is time that we send it to committee. I believe that should be the Standing Senate Committee on Energy, the Environment and Natural Resources. It should be given the appropriate sober second thought which it deserves, and if we cannot bring the officials in the Department of Transport who are revising the regulations I referred to earlier, we should send it back here, unamended, and adopt it.

I move that this bill be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Angus, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

BUSINESS OF THE SENATE

Hon. Joan Fraser (Deputy Leader of the Opposition): I would like to raise a matter which I hope will not become a question of privilege. I will call it a question of clarification for the moment.

In the foyer of the Senate, preparations are being made that appear to be for a press conference — that is what it looks like — by a person who is currently unidentified. I understand that the Internal Economy Committee did not give permission for the foyer of the Senate to be used in this manner. I would be grateful if you could use your best offices, Your Honour, to find out as quickly as possible whether permission was indeed granted for this person or persons unknown to use Senate premises in this manner before the use actually occurs.

The Hon. the Speaker *pro tempore*: I do not see the chair of the Internal Economy Committee, or the deputy chair. I am sorry, Senator Fraser, I cannot help you. I will ask and find out as soon as possible.

[Senator Angus]

Senator Fraser: The chair of the committee is very ill, as it happens. That is why I am asking you to do this for us.

Hon. Anne C. Cools: I just walked into the chamber, in time to hear the last two words. Would it be a burden to repeat or explain the situation, please? It sounded important.

Senator Fraser: What I said was that preparations are being made in the foyer for what looks very much like a press conference by an unidentified person. It is my understanding that the Internal Economy Committee was not asked for permission to use the Senate foyer in this way. I asked if Her Honour could ascertain whether such permission was indeed sought and/or granted.

Senator Cools: I have not been to the foyer and obviously the Honourable Senator Fraser seems to have some information. What makes her think that there is a press conference? What does she mean when she says “like a press conference”?

Senator Fraser: Lights and a podium, and I think I saw the beginnings of a sound system being installed.

Senator Cools: How very odd. My understanding was that from five o'clock tonight there was the Speaker's party. That was my understanding. Does anybody here have knowledge of what is happening?

[Translation]

Hon. Jean Lapointe: Honourable senators, I do not know who gave permission for the foyer of the Senate to be used, but I was told that Prime Minister Harper was going to hold a press conference there.

[English]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Since no one seems to know anything about these activities, and the chair of the Internal Economy Committee is ill and cannot answer, let us ask the Speaker to find out if what is happening is in order.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, in order to shed some light on the situation, I would simply like to point out that the Senate Standing Committee on Internal Economy, Budgets and Administration carefully considers the authorization of the use of offices and rooms in the Senate, with the exception of this chamber and its foyer, the use of which is decided by the Speaker of the Senate. For that reason, I would hope that the Speaker of the Senate was the one who authorized the use of the Senate foyer.

[English]

Hon. David P. Smith: To clarify, I just went out and asked the officials who were setting up just what it was for, and they said that it was for a press conference to be held at 5:30 by the Prime Minister.

Senator Rompkey: Of this country?

Senator Cools: The situation grows more bewildering. Let me ascertain. My understanding was that the Speaker's annual party for the staff and senators was scheduled for today at five o'clock. Am I to understand that the Prime Minister, Mr. Harper —

Senator Rompkey: Is crashing the party.

Senator Cools: — has scheduled a press conference during the party of the Senate Speaker for the staff and the senators? Am I to understand that this is what is being put before this house? It would certainly be a most unusual thing if that is what really is happening. Maybe there is some misunderstanding.

Senator Day: Maybe he is coming to our Christmas party.

Senator Cools: In a Santa Clause outfit. Honourable senators, there is something very wrong and unusual here. Perhaps Your Honour could take leave of the Senate and inquire, and then come back and inform us. I would be quite happy to wait a few minutes.

Senator Fraser: Your Honour does not need to leave the chair. You could ask some of your able staff to inquire into this matter. I am sure that we will be informed of all things in due course.

The Hon. the Speaker pro tempore: I have just been told that the Speaker will be back shortly and will answer these questions.

• (1600)
[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill S-207, An Act to amend the Criminal Code (protection of children).—(Honourable Senator Comeau)

Hon. Céline Hervieux-Payette: Honourable senators —

[English]

The Hon. the Speaker pro tempore: Honourable senators, I must inform the chamber that if Senator Hervieux-Payette speaks now, her speech will have the effect of closing the debate.

[Translation]

Senator Hervieux-Payette: Honourable senators, I would like to thank those Senators who participated in debates on this very bill in other parliaments.

Our colleagues who are currently on the special committee to discuss children's rights undertook a cross-Canada tour to explore the issue of violence against children so they can approach this bill from a more knowledgeable perspective.

Honourable senators, since I announced my intention to refer this bill to committee for the second time, Greece has adopted similar legislation to combat family violence and prohibit all

forms of violence, including violence against children, on October 19, 2006. There are now 15 European countries with similar legislation.

More recently, on December 12, Taiwan amended its education legislation to prohibit corporal punishment. This has become an international movement for countries concerned about human rights. On November 20, 2006, in Geneva, in its World Report on Violence Against Children, the United Nations recommended that all countries, including Canada, take action to explicitly prohibit all forms of violence against children, however light. The United Nations committee emphasized that children deserve the same protection as adults from assault, and that not all cases should lead to court action, as is the case for adults, by virtue of the *de minimis* principle.

I invite all honourable senators to support this bill so we can resolve this issue in 2007 and give children in Canada the same rights all Canadians enjoy, that is, freedom from physical violence.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Hervieux-Payette, bill referred to the Standing Senate Committee on Human Rights.

[English]

HERITAGE LIGHTHOUSE PROTECTION BILL

REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Fraser, for the adoption of the fifth report of the Standing Senate Committee on Fisheries and Oceans (Bill S-220, to protect heritage lighthouses, with amendments), presented in the Senate on December 11, 2006.—(Honourable Senator Comeau)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, since I have already put my views on this report on the record at second reading, I will limit my remarks to what we learned at committee.

I always consider it my duty to make comments on matters that impact fishery stakeholders who, in this case, were not asked to provide their views. Therefore, in this case it is important that I put on the record a number of items that may impact the fisheries.

Let there be no doubt that I support the principle and the object of protecting heritage lighthouses. In fact, I believe that everyone here supports the objective of protecting and preserving all of Canada's heritage monuments — grain elevators, railway stations, heritage houses and so on. How can one not support our heritage?

The purpose of Bill S-220 is to protect and preserve heritage lighthouses by requiring that they be maintained as heritage monuments. At present, there are approximately 750 lighthouses in Canada, and Bill S-220 would provide statutory protection to many of them. In fact, it would provide protection even greater than most of Canada's historic landmarks have, including the East Block where the committee met last week to consider the bill.

The Department of Fisheries and Oceans is the accountable custodian of Canada's lighthouses. Parks Canada would designate the heritage process, but the Department of Fisheries and Oceans would be tasked with securing the funding.

I should note as well that not all heritage lighthouses are owned by the Government of Canada. Some are within the jurisdiction of various community groups. Bill S-220 stipulates that whoever is responsible for a light station is required to maintain it, whether it be DFO or a community group that takes over ownership. However, as pointed out by Senator Rompkey, the bill is not retroactive. Therefore, heritage lighthouses that are already owned by private groups or individuals will not be subject to the heritage designation process under this bill.

At present, we do not know how much it will cost, on average, to maintain heritage lighthouses. We do know that many community groups, not only in Atlantic Canada but across the country, have great difficulty raising funds as it is. Being obligated to preserve and restore heritage lighthouses will create a furtherer disincentive for community groups, the grassroots of Canadian social life, to take over and work together to preserve Canadian heritage monuments. In fact, why would a community group take over a heritage lighthouse if the Government of Canada has a statutory duty to maintain these structures?

Honourable senators, I posed that question in committee to officials from the Department of Fisheries and Oceans. I asked:

Why would a community group want to acquire a lighthouse if DFO is required by law to reasonably maintain a building after it has been designated as heritage? Why would any group want to assume the legal requirements and responsibilities of such a building?

The response from the officials was:

I do not think they would...

If a community organization is unable to raise the funds necessary to preserve the lighthouses, which runs into millions of dollars, the responsibility would fall to the federal government. Specifically, we were told at committee that 95 per cent of these lighthouses would fall within the purview of the Department of Fisheries and Oceans. DFO's current annual operating budget is approximately \$1.7 billion. We then learned that there is no designation for funds to implement this bill if and when it is enacted. Implementing of Bill S-220 would potentially cost serious money. Consideration must be given to whether the

funding for heritage lighthouses might or will take away from the operating budget of Fisheries and Oceans and from the very important mandate it carries out, such as enforcement, patrol, small crafts harbours, habitat protection, research and science, and the Oceans Act implementation, which is sorely lacking in funds.

The Department of Fisheries and Oceans' funding to carry out these programs, which are critical to Canadians, is limited to \$1.7 billion. As noted, this is not a small amount to ordinary Canadians. However, in terms of operating costs of individual departments, it is not a huge amount of money.

Honourable senators, I know how difficult it is for the Department of Fisheries and Oceans to meet its operational costs because I have monitored the work of that department for most of my adult life. I understand how difficult it is to receive government funding for the smallest of projects, let alone to seek additional funds from cabinet of hundreds of millions of dollars.

• (1610)

Senator Carney has referred extensively to Point Atkinson, which has a special place in her heart, and I am sure other senators have similar connections to lighthouses from coast to coast. I also know that senators have fisheries-related priorities that they wish addressed. The list is extensive. Senators may have many projects that are very important to their communities.

For example, I note Senator Adams here, who has been trying in vain for years to get a wharf for landing fish resources in his region of Nunavut in order for his community to process landings adjacent to his Inuit communities. These landings cannot be landed there because they do not have that wharf. As a result, fish is processed out at sea or in southern areas.

Senator Rompkey may well wish to have access to funding to purchase community quotas for towns such as Harbour Breton, Burgeo and many others. This is equally the case for Senator Cowan in his province of Nova Scotia. Community quotas might solve the problems at Canso, but the money is not there.

Senator Hubley's region might well seek funding for small craft harbours and funding to combat invasive species that are a threat and menace to the lucrative shellfish stocks.

Senator Watt has been a timeless champion for further scientific studies on the effects of pollutants on marine mammals and fisheries.

Senator Johnson, not to be forgotten, has been seeking science funding for Lake Winnipeg, the forgotten lake as it is called, for handling the serious algae problem — again, funding that has been very short up to now and we would need much more.

Bill S-220 is entirely open ended. As we heard at committee from Parks Canada and the Department of Fisheries and Oceans, it is hard to predict how much the implementation of Bill S-220 will cost. All the departments can do at the present time is make predictions. This is what officials told us at committee.

There are three ranges of cost estimates. The first is based on expectations that various groups will want to protect as many lighthouses as possible. The officials called this the 100 per cent

cost level of designation. In this scenario, at least 760 lighthouses will be designated at a cost of at least \$384 million over five years and \$30 million per year thereafter.

The second cost estimate, the one which is most likely, is based on a 60 per cent level of designation. In this scenario, 450 lighthouses would be saved and the cost would be about \$235 million over five years and \$18 million thereafter.

The third scenario, the least likely, is based on just 8 per cent of federal lighthouses being designated. That would cost \$85 million over five years and \$7 million thereafter.

About 95 per cent of costs to preserve these lighthouses, honourable senators, would be the requirement of the Department of Fisheries and Oceans Canada.

The amended version of this bill states that heritage lighthouses would be designated to "include any related site or built structure that the Minister considers should be included in the designation." This includes not only the lighthouses themselves but also the resources necessary to protect lighthouses. It could include many things, such as building helicopter landing pads, paving roads, building docks for landing vessels, and so on. The definition is very cloudy.

I have been advised that based on these amendments, the level of designated lighthouses could certainly be near 100 per cent, or \$384 million. That is, at the present time, 23 per cent of DFO's total budget.

Let us assume it is the second scenario, Bill S-220. This would comprise 14 per cent of DFO's total budget. Even if the Department of Fisheries and Oceans receives the necessary funds from the federal government to implement Bill S-220, what about the funds it already requires to carry out its current responsibilities?

Honourable senators, I believe I have made my point with respect to the financial impact of Bill S-220. I will conclude my remarks by saying that all honourable senators, on each side of this house, need to look hard and be concerned with the serious limitations this bill may place on the Department of Fisheries and Oceans. As I have said before, I support the objectives of Bill S-220. However, as an Atlantic Canadian and as an advocate of East Coast fisheries my entire life, I cannot help but be concerned that the necessary funds associated with this bill may seriously impact DFO's ability to carry out its day-to-day operations.

At committee, I introduced 17 amendments based on 10 recommendations that I was advised the Minister of the Environment had supported and that Senator Carney had supported as well. My position has since been reaffirmed by the minister's office. However, I will not be introducing at third reading the amendments that I put forward, which were rejected by committee members. That has not been the purpose of my remarks today. The purpose of my remarks is to let honourable senators know that this bill, although it is a noble bill, has some side effects that honourable senators need to be aware of.

The Department of Fisheries and Oceans, regardless of whether it receives additional funds from the federal government, cannot be the sole custodian of over 750 heritage lighthouses. Its

operational budget simply cannot sustain such a task. I encourage honourable senators and all members from the other place who may read my remarks — and hopefully they will — once this bill receives third reading to consider the financial impact of Bill S-220 and some of the other issues that I have just raised.

The Hon. the Speaker *pro tempore*: Senator Lapointe, do you want to speak on the bill?

[Translation]

Hon. Jean Lapointe: Honourable senators, I have just one comment. We know how much this bill meant to Senator Forrestall. I personally had lent my full support to the bill. In his memory, I believe that we should do the same.

Heritage lighthouses are among our country's most beautiful landmarks. In addition, these structures have saved the lives of many sailors. When lives are saved, in my opinion, cost becomes secondary.

Senator Comeau: I agree completely. Senator Forrestall attached great importance to this bill. However, the purpose of the bill is not to save lives, but to designate certain lighthouses as heritage monuments. These lighthouses will be so designated by the Department of the Environment, through Parks Canada. If the request is granted, Fisheries and Oceans Canada will take charge of maintaining the lighthouse so as to preserve its heritage character.

Lighthouses that serve as navigational aids come under a different mandate of Fisheries and Oceans Canada. These lighthouses are currently used and will continue to be used for that purpose.

My comments were not intended to take away from the value of the structures covered by the bill, but to underscore the bill's financial impact. This impact would be felt by a budget that currently does not have the funds to meet the bill's requirements.

As Senators Adams and Johnson have pointed out, there is simply not enough money at present to do what is needed. Giving Fisheries and Oceans Canada additional responsibilities, such as responsibility for protecting heritage buildings, will have a highly negative impact on its ability to meet its current obligations.

[English]

Hon. Willie Adams: Honourable senators, I have difficulty with this bill, especially after I asked my chairman a question about it yesterday. The same thing happened today with Senator Comeau's speech. This bill does not have a clause to cover when these lighthouses will be turned over in the future, either to the municipality or to a private interest. Over 700 lighthouses will become heritage sites if that bill passes.

• (1620)

I think there should be another clause in the bill. We do not have lighthouses in Nunavut; we have beacons that are not considered heritage. I have some difficulty with that because if DFO will not make a change in the policy for funding, we will need to spend a lot of money on maintenance of those beacons. Perhaps they should come under heritage as well, and in that way funding could be provided and they could continue to be used. Otherwise, DFO might want to tear them down.

Senator Comeau: In response to the question of the Honourable Senator Adams, I can only advise him that the problem with initiating this type of bill from the Senate is that it must be done in a certain way. The implementation of this bill must be done with current money because we cannot introduce money bills in the Senate. This is why there are certain limitations as to how we can word money bills. In other words, we cannot introduce money bills in the Senate. That is a downside. As a result, it raises concerns that some of this money could be transferred from operational budgets.

I believe the honourable senator raised the question of whether any other groups might wish to take over lighthouses from now on. That will not happen if the government is paying now. It is hard enough as it is right now to take over a lighthouse because one must raise private funds. Why would anyone want to do that if the government undertakes to do it?

Finally, if someone wishes to take over a lighthouse and create a bed and breakfast, it will be extremely difficult under this bill if it is a heritage lighthouse because there are severe limitations as to how a bed and breakfast can be run out of a heritage lighthouse. Therefore, it will not happen. Without the limitation of the heritage designation, these things are happening right now. Some people do take over those lighthouses.

Having said that, I think we should approve the passage of the bill. I urge the honourable senator to allow the bill to go through and see what the progress is in the other place. Let us see if it goes somewhere. There may be ways of ensuring that the concerns we have raised are acted upon in the other place.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill, as amended, be read the third time?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill, as amended, read third time and passed.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Committee on Internal Economy, Budgets and Administration (budget of the Opposition Whip and the

Leadership of the Opposition), presented in the Senate on December 11, 2006.—(*Honourable Senator Furey*)

Hon. Joan Fraser (Deputy Leader of the Opposition): I move the adoption of this report.

Hon. David Tkachuk: Honourable senators, I have a couple of questions.

In this report, there is a budget increase of \$75,000 for the Senate opposition leader and \$10,000 for the opposition whip. It seems to me that this increase was included in a previous report that was withdrawn earlier on in the session, and now it appears again. Are these amounts, \$75,000 and \$10,000, in addition to the general increases in the budget that these offices receive annually?

Senator Fraser: I see the deputy chair of the committee here. If he wishes to respond to Senator Tkachuk, that would be fine with me.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, no matter the source of these figures, with the adoption of this report both leaders and both whips will have equal budgets.

[English]

Senator Tkachuk: Is this a new practice of the Senate chamber that there will now be equal budgets in both the government office and the opposition office, and the government whip and the opposition whip?

[Translation]

Senator Nolin: That is correct. It is a new practice which, according to the Standing Committee on Internal Economy, Budgets and Administration, appears to be the most equitable.

[English]

Senator Tkachuk: I understand there will be another report forthcoming with more information. However, we were in opposition for some 12 or 13 years and we managed our budget within the guidelines set forth. The opposition has 66 members at \$133,000 a year, some \$8.7 million, already available to the opposition for hiring staff. This additional amount seems a little untoward. I do not understand this immediate need that came up all of a sudden for an extra \$75,000, and I want that point made clearly. I think taxpayers' money should be treated with a little more care than what seems to be shown in this particular policy.

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to and report adopted, on division.

• (1630)

ELEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Committee on Internal Economy, Budgets and Administration (allocation for transportation for the Leader of the Opposition), presented in the Senate on December 11, 2006.—(*Honourable Senator Furey*)

Hon. Joan Fraser (Deputy Leader of the Opposition) moved the adoption of the report.

Hon. David Tkachuk: I understand that this budget is for a car for the Leader of the Opposition in the Senate. Is money allocated for a driver as well?

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, providing the financial resources to pay a driver will be at the sole discretion of the opposition leader. He will decide how he wishes to allocate his budget.

The eleventh report of the Internal Committee does not cover the expense for a driver. It only covers providing a vehicle for the opposition leader, as is the case in the House of Commons.

[English]

Senator Tkachuk: I find it rather interesting that a car is to be provided. Was it asked whether the initial \$75,000, which was approved in the previous report, would include an expense for a driver for this car for the Leader of the Opposition?

Senator Fraser: Senator Nolin made it clear in the discussion on the previous report that the budgets of the two leader's offices for their senatorial duties would be the same. This does not affect the ministerial budget that goes to the Leader of the Government in the Senate, which is another matter that is beyond our control. This budget amount applies to the Senatorial budgets of the two leaders. The car, as Senator Nolin said, is covered in this eleventh report before the Senate for consideration. The expense for a driver will come out of the budget of the Leader of the Opposition, should he choose to take advantage of the availability of the car.

I wanted to rise because it is entirely appropriate for this chamber to recognize, as the House of Commons recognizes, that the Leader of the Opposition is entitled to a car. Certainly, we will not see any stretch limousines under this rubric. It is a matter of essential understanding and recognition in each chamber of the work done by the Leader of the Government in the Senate and by the Leader of the Opposition in the Senate.

Senator Tkachuk: I do not understand that at all. Is the honourable senator answering the questions on this item or is the Deputy Chair of the Internal Committee answering the questions? I would like to know whether the Prime Minister's Office and the Office of the Leader of the Opposition in the other place have the same budgets.

Senator Nolin: Are we talking about the car or the budget? We have dealt with the budget.

Senator Tkachuk: I am talking about both budgets.

Senator Nolin: We will have to be focused.

[Translation]

Honourable senators, what we have before us is, quite simply, a report asking for our permission to provide a car for the Leader of the Opposition in the Senate. Period. That is the issue.

[English]

Senator Tkachuk: With my apologies to the Deputy Chairman of the Committee, I did not raise the issue; rather, the Leader of the Opposition in the Senate raised the issue of the budget. I asked about the car and the honourable senator went back to the first item so perhaps she should answer the question.

Senator Fraser: Honourable senators are going in circles on this item. I answered Senator Tkachuk's earlier question by saying that it had been covered earlier in the proceedings. A second question has been answered by Senator Nolin in clear terms, in my view. I attempted to repeat those clear terms, and the answers are on the record several times.

The Hon. the Speaker: It was moved by the Honourable Senator Fraser, seconded by the Honourable Senator Milne, that this report be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

Motion agreed to and report adopted, on division.

STUDY ON SOFTWOOD LUMBER AGREEMENT

REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade (Canada-United States agreement on softwood lumber), tabled in the Senate on November 29, 2006.—(*Honourable Senator Segal*)

Hon. Hugh Segal moved the adoption of the report.

He said: Honourable senators, the fifth report of the Foreign Affairs Committee speaks to the meetings held with respect to the softwood lumber policy and trade issue in general, not to Bill C-24, which was dealt with in another report. That interim report to the Senate indicated that further study, to amplify what was said by the Leader of the Opposition and by Senator Mitchell earlier, would continue on the issue and be consistent with the undertakings given at committee yesterday.

Motion agreed to and report adopted.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET—STUDY ON EVACUATION OF CANADIAN CITIZENS FROM LEBANON— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Foreign Affairs and International Trade (budget—study on the evacuation of Canadian citizens from Lebanon in July 2006 — power to hire staff), presented in the Senate on November 23, 2006.
—(Honourable Senator Segal)

Hon. Hugh Segal moved the adoption of the report.

He said: Honourable senators, the fourth report lays out for approval of the Senate a modest budget of the committee to continue its hearings on the evacuation of Canadians from Lebanon some months ago. The budget total is \$5,500 and involves no travel beyond the precincts of the nation's capital.

Motion agreed to and report adopted.

STUDY ON ISSUES RELATING TO FISCAL BALANCES AMONG ORDERS OF GOVERNMENT BUDGET

INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report (interim) of the Standing Senate Committee on National Finance entitled: *The Horizontal Fiscal Balance: Towards a Principled Approach*, tabled in the Senate on December 12, 2006.
—(Honourable Senator Day)

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, I will take this opportunity to provide background on the report, which has been circulated. Senators have had an opportunity to review the seventh report of the committee. The report revisits a subject studied by the committee in 2001-02 on equalization. The Senate mandated that the Standing Senate Committee on National Finance be authorized to examine and report on issues relating to the vertical and horizontal fiscal balances among the various orders of government in Canada.

• (1640)

Honourable senators, in this report, we start with definitions which are important. Fiscal balance refers to the balance between the expenditure responsibilities of the various orders of government and the ability to fund the services resulting from those responsibilities. Normally, economists divide fiscal balance into vertical fiscal balance or imbalance and horizontal fiscal balance and we have discussed both in this particular study. For the purposes of my remarks, this report being an interim report dealt with the horizontal aspects only. Horizontal fiscal balance is the differences between the various provinces to deal with their responsibilities. We typically refer to equalization and the equalization program as dealing with, and devised to deal with, horizontal imbalances between the various levels of government.

Vertical imbalance deals with the various orders of government. We have the programs of the Canada Health Transfer and the Canada Social Transfer payments based on a per capita basis as

opposed to dealing with the imbalances by virtue of the inability to raise funds. They are direct transfers based on per capita and that we will go into at a later time in our study on the mandate you have given to us.

We felt that it was important for us to deal with the equalization aspects, the horizontal aspects, quickly and initially because the federal government in the budget in May of this year indicated that it was going to move on the fiscal imbalances on equalization. It was going to move in conjunction with negotiations and discussions with the provinces on this particular aspect.

Prior to the change of government one study was ordered by the government and that study was forthcoming. I will refer to that as the "expert panel report." That report was before us for study. A second study was commissioned by the provinces for study and that particular report is now available.

Honourable senators, in addition, we have our previous report that was done in 2002. There are three reports available as part of the record for the federal government and the provinces to consider in dealing with this issue of equalization.

Honourable senators may recall that subsequent to our report of 2002, Mr. Martin's government proceeded with a change in the programs, which is now in place but which most parties find to be unsatisfactory, and that is the new framework which was based on an envelope of money, not based on a formula.

We have studied that particular new framework where the formula was suspended and to be fair to the Martin government, that was intended to be an interim program. That government ordered a study and the expert panel's report was a result of that previous government's initiative. The provincial government's look at this particular matter was commissioned by the provinces and so now we have the federal government saying it will proceed with the change and we have this history of three reports.

We felt we should analyze these reports, bring in some witnesses to consider the various issues and come forward with a report. That is what we have done with respect to this equalization report.

There is surprising similarity between the three approaches. In fact there is also our previous report of this committee as well, so there are four different reports. There is surprising similarity in relation to the various reports; return to a formula base, keep the matter simple, stay on principle and try to avoid to the extent possible the very complicated changes and twiggings to that formula that have resulted in the past in making this rather difficult. Try to have predictability to smooth out the swings and return to a 10-province standard from a five-province standard.

The divergence comes with respect to natural resources. The advisory panel and the expert panel diverge in that regard. The advisory panel says all natural resources should be included. The expert panel, the federal government panel, recommends 50 per cent of natural resources to reflect the ownership principle; the province that owns natural resources should reap some benefits and that is the suggestion.

The expert panel, in suggesting the 50 per cent issue, is also recommending a cap on payments. A cap is suggested because if a receiving province has natural resources and keeps 50 per cent of those resources out of the calculations they may develop a fiscal capacity that is even higher than a non-receiving province. Ontario, for example, does not receive equalization; it is a non-receiving province and therefore the federal government sends funds to other receiving provinces that have a higher per capita fiscal capacity than Ontario. They said that is unfair. That is brought about as a result, in large part, of the 50 per cent only of natural resources being included. The federal advisory expert panel says 50 per cent and we should have a cap. There is no cap in the provincial government report of 100 per cent of natural resources.

We had a divergence of view in our committee on that issue, but the majority felt we should go with the provincial government advisory panel report of 100 per cent natural resources; keep it simple. To keep it simple we will keep away from caps, and percentages and if, as a result of the 10-province 100 per cent natural resources, there is a major swing, then that should be dealt with from the point of view of affordability and should be dealt with at the time. Major swings occur when natural resources are very hot in the marketplace, such as right now. If there are major swings and they bring the total amount of equalization higher than the federal government feels it can afford at a particular time, that should be dealt with as a political matter, openly and transparently, when it happens, as opposed to twiggling with formulas and the various revenue bases.

That really was the only point on equalization that I wanted to bring to your attention. There was a lot of good discussion here and a lot of interesting points.

This report is divided into two parts: The first part is equalization and the second part is territorial formula financing, a term used for the three territories in the North.

I would like to conclude by referring you to pages 29 and 30 of this report, where we make two very important recommendations.

• (1650)

The first one is that the government should bring to an early conclusion devolution and resource revenue-sharing negotiations with the territories and make them the principal beneficiaries of those revenues, which they are not now. The negotiations should take into account Aboriginal rights, needs and participation, including land claims and Aboriginal self-government arrangements.

It was pointed out that Nunavut, as our newest territory, has extraordinary expenses that should not be included in a traditional type of territorial formula financing. While financing should be based on a formula, these extraordinary expenses should be dealt with separately in a bilateral arrangement.

Nunavut is growing in terms of population at the rate of 24.5 per cent a year. It is building a new territorial or provincial structure, and they obviously have additional expenses. We believe it is time for our federal government to get on with concluding the long outstanding negotiations and put them on a footing similar to the provinces, so they can do long-term planning and be self-sufficient and self-administering to the extent possible.

The final recommendation is that the government provide Nunavut with adequate funding to meet its immediate and extraordinary needs. The funding should be provided through specific federal program transfers rather than through adjustments to the territorial funding formula, and should be excluded from calculations under the normal territorial funding formula.

That is a general overview, honourable senators, of this particular document, the interim report on the first phase of the committee's study, which is the horizontal fiscal balance between the different levels of government. We look forward to continuing the study on vertical imbalances between the federal government and the provinces, and between the provinces and the municipalities.

Honourable senators, I respectfully request your support of this particular report.

Hon. Art Eggleton: Honourable senators, I rise to provide a different view from that just expressed by my colleague. While there was a fair bit of agreement on some of the fundamentals at the committee, there was disagreement on others. In fact, the final vote on the areas of disagreement was 6 to 4, which shows how close it was. If one vote had switched, this report would not be here today. I think it is something that requires further attention from this chamber before we proceed with this matter.

An important principle that we would all agree on is the fact that people across Canada should have access to reasonably comparable public services, and they should pay comparable levels of tax. That has been one of the fundamental parts of the equalization formula. What has not been very clear about the equalization formula is how the calculations are done. There has been a lot of disagreement between the provinces and regions of the country and between the provinces and the federal government on what it takes to address this imbalance.

We must find a compromise, a balance. This report, as Senator Day says, deals with horizontal fiscal imbalance, or what we usually refer to as equalization. The vertical imbalance will come in a further study by the committee.

In the past year, two separate reports have been published on this issue. They became the basis for the committee's consideration, although the committee did look at other information, including past work by the committee itself. This year, we had the O'Brien report, as it is called. Mr. Al O'Brien was the former deputy provincial treasurer for the Province of Alberta and he and his panel were commissioned by the Harper government on this whole question. I am sorry, that is wrong. The report was made to the Harper government. It was commissioned by the previous one.

Then there was the second report, which is the advisory panel report of the Council of the Federation. The provincial governments, in effect, commissioned that report; so I will refer to the O'Brien report, which is the federal report, and the advisory panel report, which is the provincial Council of the Federation report.

As I said, there is much that committee members did agree on. We did some good work. We did agree on the fact that there needs to be a return to a formula-based approach. The framework

agreement from the Martin government was not considered in that category. We feel we need to move back to a formula-based approach and a return to a 10-province standard instead of a five-province standard, which is what we have been using until now. We also feel that we should retain the representative tax system approach, while simplifying to make it more transparent. We used to have 33 different categories in this system; we are talking now about five or six, which is a much better process upon which to operate. We also agreed on implementing a smoothing mechanism, based on a three-year moving average, lagged two years.

A lot of things about the O'Brien report and the advisory panel report were agreed on. As well, all committee members agreed on changes to the territorial formula financing, including swift implementation of the O'Brien report recommendations in that regard, finishing negotiations with the territories on resource revenues, and providing Nunavut with separate funding to meet its extraordinary needs and costs.

This is where agreement ended and debate began. To me, there are three key parts of equalization that have been forgotten: affordability, fairness and, as I indicated earlier, compromise.

With respect to affordability, the committee had to make an important decision. To make the program affordable for the federal government, the O'Brien report recommended a 50 per cent inclusion rate for natural resources. The inclusion of the 50 per cent rate also results in several other benefits. It passes the fairness test to both receiving and non-receiving provinces; it gives provinces a net benefit for the resources they own; it gives them encouragement and reason to develop their natural resources, getting more benefit from them; and it protects the provinces from volatility in the price of natural resources.

The committee, in the split vote of 6 to 4, decided to include 100 per cent of natural resource revenues, picking the provincial advisory panel recommendation. The recommendation of the committee means that the value of equalization programs for 2005-06 would be over \$13 billion. That would mean over a \$2 billion increase for that fiscal year, which represents a 19.9 per cent increase from the existing framework.

There is no proof that there has to be an increase in the size of the program by that amount. To the contrary, Don Drummond, Chief Economist at TD Bank, wrote that enriching the equalization program would be like "attaching a ball and chain around Ontario's ankle." Further:

If you compromise Ontario's ability as an economic powerhouse, you hurt the ability of the province to back up equalization.

Honourable senators, over the past four years, the equalization program has already gone up over 30 per cent. Now we are talking about an additional 19.9 per cent. Even under the current framework from the Martin government, the program would have grown at 3.5 per cent annually. However, the National Finance Committee has asked that the government increase the program by 19.9 per cent, with no clear reasons, which I cannot support.

The inclusion of 50 per cent of revenues does mean an increase in the program. However, it is an increase of \$1 billion, which represents 9.2 per cent — far more reasonable than

19.9 per cent. Prime Minister Harper, during the election campaign, promised to exclude all resource revenue from the equalization program — not 50 per cent, all of it.

• (1700)

The Saskatoon *Star Phoenix* said:

Harper could have acted in the national interest had he waited for the O'Brien panel and fought on principle to adopt its call to include 50 per cent of all resources revenues in the results of formula.

This shows that there is some general agreement for inclusion of resource revenues. The 50 per cent is a reasonable increase to the program. It is a compromise, yes, but I think that is important.

Mentioned in the report, but not highlighted in the recommendations, is a scaling plan. This comes from the advisory panel. This is their tool, which perhaps would help affordability. The "scale-back" would involve lowering the equalization standard by a percentage amount. This method would not affect the distribution of entitlements. It would simply lower payments on an equal per capita basis to receiving provinces. It would be up to the provinces and the federal government to, hopefully, agree on the percentage, or the federal government would make decisions for all parties on the amount to scale back. All this does is bring us back to a yearly negotiation of equalization payments, but with a program of a much higher value. This, honourable senators, is no solution.

The secondary area where the committee, instead of seeking compromise, abandoned a key principle is fairness. Fairness for this purpose is simply that a province receiving equalization payments should not end up with a better fiscal capacity than a non-receiving province. This is all about fiscal capacity, raising the fiscal capacity of the non-receiving provinces. However, we are getting to a point where some non-receiving provinces are about to pass, could pass, a receiving province, or the other way around. There is something very wrong in that kind of a violation. There must be some stopping point to payments. Otherwise, all we are doing is trading today's problems in the equalization program for future problems.

In the O'Brien report, he wrote that this idea

...runs counter to a fundamental principle of equity that should underlie any changes to the Equalization program.

That is what Mr. O'Brien said. To protect against this type of problem, O'Brien recommended the implementation of a fiscal cap. The cap would be equal to the level of fiscal capacity of the lowest non-receiving province. Once a province received an equalization payment equal to the fiscal cap, no more equalization payments would be made. That is fair, but unfortunately the committee did not adopt this idea.

The reason for this appears to be those famous offshore agreements with Newfoundland and Labrador and Nova Scotia and the issue of when, where or if they should be part of the equalization program. To help this concern, some members of

the committee, in a compromise, suggested there may be a period of time for the offshore accords to be excluded. This would allow those provinces to make up for the years that they lagged behind — for those years they were a receiving province.

Professor Paul Boothe, from the University of Alberta, in his testimony, stated:

Two principles exist harmoniously: The first says that even equalization-receiving provinces should receive some net benefit from their ownership of natural resources; the second says that receiving such a benefit should not be allowed to pervert the fundamental fairness of the evaluation program.

Again, in a compromise, some members were willing to make an exception and put that directly in the equalization program to protect those provinces and their signed offshore accords.

Finally, on the question of compromise, in his presentation to the committee, the Honourable Michael Baker, the Minister of Finance for Nova Scotia, said:

In order for equalization to work effectively for all Canadians...and in order for equalization to be acceptable, everyone may need to compromise.

I concur that compromise is required, but our report misses the two places, affordability and fairness, where compromise could have happened. The O'Brien report, on the other hand, is just that. It is compromise. The 50 per cent inclusion is a compromise with benefits for all provinces and the federal government. A fiscal cap is a compromise. Exclusion of offshore accords for five years is a compromise as well. Five years is not bad. Because these measures are not included, I cannot support the report. It does not meet the test of affordability, it does not meet the test of fairness, and it does not meet the test of compromise.

Honourable senators, before I end, I want to touch on one last area of the report I think is key. In section 6 of the recommendations, we briefly talked about associated equalization, or what Mr. O'Brien refers to as "back door equalization." In the recent fiscal update, Minister Flaherty wrote that the federal strategy aimed at fixing the so-called fiscal imbalance must treat provinces equally when dealing with transfer programs such as the CHT, the Canada Health Transfer, or the CST, the Canada Social Transfer. He further wrote that direct transfers to governments other than equalization should be based on the principle of providing support for all Canadians. I agree with Minister Flaherty and what he has said.

The committee also heard from the Minister of Intergovernmental Affairs from the Province of Ontario, who made similar points in saying that Ontario receives \$86 less cash per person through the CHT and CST than equalization-receiving provinces. That is \$86 less per person for education, for some of the fundamental requirements in our province. In 2004-05, federal support for job training amounted to \$1143 per unemployed Ontarian, compared to \$1,827, which is \$700 more per person, in the rest of Canada. That is not fairness, and that is not equitable. The average unemployed Ontarian receives \$3,640 less in federal employment insurance benefits than an unemployed person in other parts of Canada. This is what Mr. Flaherty is concerned about and certainly what Mr. O'Brien is concerned about.

In the Finance Committee's next report, this needs to be addressed. Every other direct transfer program should be modeled on a per capita basis.

In conclusion, honourable senators, I ask you to vote against this report. I cannot support the recommendations that are not based on affordability, fairness and compromise. I cannot support a report where the fiscal capacity of a receiving province would be higher than a non-receiving province.

O'Brien, in his recommendations, said there was no way to please everyone, so he tried to draw a compromise between everyone. That is the direction I think this Senate should be taking.

Hon. Lowell Murray: Honourable senators, let us be very clear about the implications of what we have just heard.

My honourable friend is advocating an approach to this problem, the approach set out in what he and I will both refer to as the O'Brien report, which would involve a reduction of almost \$205 million in equalization payments to the Province of Newfoundland and Labrador next year over the present year. That is a \$205 million reduction in equalization payments to Newfoundland and Labrador. That, honourable senators, is not a compromised balance. That, I submit, is cruel and unusual punishment inflicted on the poorest province in the country. I cannot and do not accept it.

In some of the rhetoric that one hears surrounding the issue of equalization — I certainly do not accuse the honourable senator of this, because he made his argument in a very fair and moderate fashion. However, in some of the rhetoric, there is —

An Hon. Senator: Name names.

Senator Murray: No, I need not name names. I cannot even remember who they are. They are to be found in op-ed pieces and the publications of some think tanks, and they are to be found occasionally even among some politicians, though none in this place.

• (1710)

In some of the rhetoric, there is the clear suggestion that some recipient provinces, notably Newfoundland and Labrador, are somehow living high off the hog from equalization payments, that their prosperity has grown such that it is matching or exceeding the most prosperous provinces in the country, and that payments must stop or at least be severely curtailed.

Our friend Mr. Drummond was cited by Senator Eggleton as saying that enriching equalization would be a ball and chain on Ontario. Ontario taxpayers, because of the progressive tax system we have, pay 40 per cent of the revenues that go into the federal treasury; so you could say that enriching the musical ride is a ball and chain on the taxpayers of Ontario, or National Defence or any other activity of the federal government. Why single out equalization?

The point I want to make about Newfoundland and Labrador in particular, because this is the one that keeps coming up, is that in terms of equalization payments over a period of time, we see in

the O'Brien report — and I refer honourable senators who may have it here, or who may want to see it at another time, to pages 31 and 32 — that, in looking at the equalization entitlements of each province from 1993-94 to 2006-07, Newfoundland and Labrador's equalization entitlements are at their lowest point ever in 2006-07. They were at a high of \$1.1 billion in 1999-2000. They were at \$900 million in 1993-94. They were down to \$762 million in 2004-05. They have been slowly decreasing to the point where they are now, in 2006-07, at \$687 million. This does indicate that, slowly but surely, among other things the economy and the revenues of Newfoundland and Labrador have been improving over the years. They have been getting less equalization as a result.

Interestingly enough, to stay with Newfoundland and Labrador, as a percentage of provincial and local government revenues, I find that in Newfoundland and Labrador equalization accounts for a smaller proportion of their provincial and local government revenues than in any other province in the Atlantic region.

In terms of equalization entitlements per capita, Newfoundland and Labrador is lower than any province in the Atlantic region. Slowly but surely their economy is improving, but their equalization payments have been going down as a result, and that is the way that equalization is supposed to work.

My friend, with the authority of the O'Brien report, is suggesting that a cap must be put on equalization payments so that no recipient province, after equalization, has a higher fiscal capacity than the lowest non-recipient province; that is, Ontario. As a principle, that sounds good, and it is good.

The problem is that the O'Brien report would include in the measurement of Newfoundland's fiscal capacity the offsets negotiated first by the Mulroney government in 1985 — the negotiations started in 1981 or 1982 under the Trudeau government but were concluded in 1985 by the Mulroney government as the Atlantic accord — and amended almost two years ago by the Martin government.

The O'Brien report would include those offsets in a measurement of Newfoundland and Labrador's fiscal capacity. That is how we come to a situation in which, if the report were adopted, there would be a \$205 million hit on Newfoundland beginning April 1. There would also be a hit on Nova Scotia, although it would not come quite as soon.

Honourable senators, I do not want to tire you with a lengthy disquisition on the Atlantic accords, but I do have to say something about it. Let me just outline briefly what the Atlantic accord — the offshore revenue accord reached between the Martin government and the Government of Newfoundland — provides for. There will be 100 per cent protection from equalization reductions or clawbacks for eight years. That is one year longer than had been anticipated in the original Atlantic accord.

The agreement provides for a further eight-year extension as long as the province receives equalization in 2010-11 or 2011-12. Clearly, it is foreseen as a possibility, at any rate, that Newfoundland and Labrador will cease receiving equalization as its economy improves. When it does cease receiving equalization, there will be a two-year transitional period, the

kind of period that Senator Eggleton was talking about, after which there will be no further transitional payments.

It is important to understand something of the intent of the accords when they were being negotiated. I want to quote you from a speech made by the Honourable Jean Chrétien, who was then the Minister of Energy, Mines and Resources for Canada. He says: "When will the provincial government be expected to share some of these revenues" — he means the offshore revenues — "with other Canadians?" He gives this answer:

Not until the Newfoundland government's fiscal capacity reached 110 per cent of the national average, with an adjustment for regional unemployment that would now raise this to about 125 per cent.

Then he continued on a little bit later, and this is very important to understand in terms of why Mr. Martin and those two provinces, Newfoundland and Labrador and Nova Scotia, had to amend the agreement in 2005. Mr. Chrétien said in April 1984 that in Newfoundland's case, "provincial revenues from Hibernia might be large enough to make Newfoundland a 'have' province within five years of production." This "should be a cause for celebration even if it entailed a loss of equalization payments."

The problem with the original accords signed in the 1980s is that they anticipated a certain pace of exploration and development in the offshore. Matched to that was a deadline in terms of the offsets for equalization. Through nobody's fault, the anticipated rate of exploration and development offshore did not materialize. Newfoundland and Labrador, in the one case, and Nova Scotia in the other case did not reap the benefits that the original accords anticipated they would reach.

Therefore, the Martin government, in office in 2005, had to negotiate an amendment to those accords to provide for continuation for another eight years, at least, and perhaps beyond that, if exploration and development and, therefore, revenues do not materialize as hoped for.

That, in a nutshell, is the story about the offshore accords. It would be extremely unjust for the government or Parliament, in calculating the fiscal capacity of Newfoundland and Labrador and Nova Scotia, to include those offsets at this point.

• (1720)

To implement the O'Brien report, as suggested by our friend Senator Eggleton, would mean that when we come to legislate the equalization program, we would need to, by legislation, negate the offshore accords that the government signed less than two years ago with Newfoundland and Labrador, and with Nova Scotia.

When the Minister of Intergovernmental Affairs from Ontario was before the committee, she complained, I think rightly so, that there seemed to be a prospect that the present government would claw back from an agreement made with the Government of Ontario before the election worth about \$6.8 billion, and that the present government was finding ways to claw some of that back by including part of it in new agreements that had been signed with all provinces. I think that would be reprehensible, if it

happened. However, I think we ought to deplore it and oppose it as strongly in the case of Newfoundland and Labrador and Nova Scotia as we would in the case of Ontario.

I frankly do not see how this government, or any other government, would take it upon itself, less than two years after agreements had been signed or renewed with Newfoundland and Labrador and Nova Scotia with regard to the offshore oil exploration and development and the revenues there from, to simply negate those agreements by legislation.

Let me conclude on this point. There have been four reports, as the chairman, Senator Day, has pointed out and as Senator Eggleton has pointed out. The first was the report of our own Senate Finance Committee back in March of 2002. The Council of the Federation, the provinces and territories, completed their report at the end of March of this year. With full disclosure, I can tell honourable senators for the record that I was a member of that panel. There was the expert panel appointed by the federal government that reported in May of 2006 and there was again the National Finance Committee that reported on December 12.

Let me take a minute to underline the many areas on which the four reports are agreed. All of us agree that the purpose of the program is to equalize fiscal capacity across the country. We agree that in order to measure fiscal capacity, we must have 10 provinces in the measurement to reach a national average; not three, five or seven provinces, but ten provinces. If we are to have a true measure of fiscal capacity, we must include all the revenue sources of provincial governments. That, to us — and indeed to the expert panel of the federal government — means including 100 per cent of natural resource revenues.

The expert panel differs with the rest of us only in this respect: They say that 100 per cent measurement of natural resources is necessary in order to measure fiscal capacity, but only 50 per cent measurement in order to arrive at the payout. Then, of course, in imposing the cap, they include the 100 per cent of natural resource revenues, including the offsets to the provinces of Nova Scotia and Newfoundland and Labrador.

We are agreed on all of that. The affordability issue should not really be an issue. The Standing Senate Committee on National Finance, which reported in December, believes, as do the advisory panel of the provinces and territories, that if we take this principled position — 10-province standard, all revenues, 100 per cent of natural resource revenues — we will have a principled approach, and the principled approach will produce a number, an allocation to all of the provinces.

At that point, having measured fiscal capacity fairly and properly, having produced a number in terms of allocation of equalization payments to the provinces, if there is an affordability problem — and there always is with the federal government — the federal government, which has the final say on this, simply scales back proportionately. No one province takes an unfair hit. The scale-back is done per capita, and every province will be hit in the same way.

The problem with this formula, in my humble opinion, is that over the years, government after government, in order to produce the outcome that the Department of Finance wants, have fiddled with and manipulated the formula, time after time. That is no way

to go, in my opinion. Adopt the principled approach, see the number it produces, and then, if there is an affordability problem, scale back, in the sight of man and God and woman, and defend it politically. That, it seems to me, is the proper way for a responsible government to act.

The Hon. the Speaker: If questions and comments are to be made in respect to Senator Murray, we will require an extension of his time. Is five minutes agreed?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes is agreed.

Senator Eggleton: I appreciate Senator Murray's comments about all of this. He has had a fair amount of experience. I do agree we need a formula-based approach. After all of the tinkering with the system, I think that is very important, and we are all agreed on that.

However, I do not agree with what the honourable senator said about affordability. Surely there is an affordability problem here when we see an increase of 19.9 per cent on top of an over 30 per cent increase in three years. What program would this house approve with those kinds of percentage increases? There is very much an affordability problem.

I want to ask the honourable senator about the question of Newfoundland, because he has painted a dire picture of Newfoundland and Labrador. That will rouse a few people, I am sure.

In the proposition that I suggested of having a compromise, a five-year phase-in, those numbers do not apply. In fact, I think the honourable senator would find there would not be a reduction in equalization payments to that province if there were that kind of a five-year formula. Does the honourable senator not agree?

Senator Murray: Honourable senators, the Atlantic Accord, signed by the Martin government in January of 2005, provides for a transitional period when the time comes that Newfoundland is no longer entitled to equalization. The nub of the issue is whether the offsets from the offshore accords agreed to between Newfoundland and Labrador and Ottawa ought to be included in measuring Newfoundland and Nova Scotia's fiscal capacity. That is the nub of the issue.

I have already read to the honourable senator for the record what Mr. Chrétien said 22 years ago, about Newfoundland having to achieve somewhere between 110 and 125 per cent of national fiscal capacity.

Adding to that, I would say that those provinces, and the federal government, have always considered those offshore accords not a part of equalization, not part of section 36(2) of the Constitution Act, 1982 but, rather, of section 36(1) of the Constitution Act, 1982, which imposes upon all of us federal and provincial obligations for regional economic development.

Even with my friend's five-year phase-in — and I have not examined that proposal in much detail — we are still at the nub of the issue, which is whether, in terms of the fiscal capacity of Newfoundland, those transfers ought to be measured as part of their fiscal capacity. We say no, they should not be measured

as part of their fiscal capacity, any more than money that goes to this province or another, from Ottawa, for infrastructure or what have you, should be measured as part of their fiscal capacity.

• (1730)

Hon. Serge Joyal: I would like to pick up the issue where the honourable senator left it.

Has the committee taken into account the Blue Book from the last budget wherein the Minister of Finance reviewed the financial capacity of the federal government in terms of surplus versus what the overall financial burden of the federal government would be if we were to implement the formula that the majority of the committee seems to promote, including Senator Murray? In other words, if we increased the level of fiscal transfer in equalization payments to 19 per cent, how much of the federal surplus would be needed for that annually? Do we have the money to fulfil the commitment we would assume if we were to implement the proposed formula, which is 100 per cent of all natural resources revenue, renewable and non-renewable?

Senator Murray: Honourable senators, I do not have the numbers in front of me. I will, however, make several points.

We looked at this in relation to the provincial-territorial panel. We agree that fully implementing the proposal in the two Senate committee reports and the provincial-territorial panel report would require approximately a \$5 billion increase in the equalization program.

Second, in terms of the hit on the federal treasury — and I have the numbers somewhere but I do not have time to unearth them at the moment — equalization has been decreasing considerably as a percentage of federal revenues. It has also been decreasing considerably as a proportion of GDP over a period of at least 20 years. Therefore, the strain on the federal fisc is not very large.

That being said, when we saw that our proposals would cost another \$5 billion, more or less, we all recognized that if the federal government had an affordability problem it could scale back and do so in a fair, transparent, proportional and equitable way.

Finally, we will probably be overtaken by events anyway. The Ministers of Finance are meeting tomorrow in Vancouver under the chairmanship of Mr. Flaherty, and he may present them with an entirely new formula. Some people who are more politically inclined than I think that he may punt beyond the next election and extend the present program for another year. Stay tuned.

On motion of Senator Oliver, debate adjourned.

NATIONAL FINANCE

BUDGET—STUDY ON ISSUES RELATING TO FISCAL BALANCES AMONG ORDERS OF GOVERNMENT— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on National Finance (budget—study on fiscal balance), presented in the Senate on December 12, 2006.—(*Honourable Senator Day*)

[Senator Murray]

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, this is the budget for the balance of the fiscal year 2006-07. There is no travel involved; it is just meant to continue the work on the mandate the Senate has given us and is in the amount of \$17,500.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

ANTI-TERRORISM ACT

SPECIAL COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT AND TO MEET DURING ADJOURNMENT OF THE SENATE

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., for the Honourable Senator Smith, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That, notwithstanding the Orders of the Senate adopted on Tuesday, May 2, 2006, and on Wednesday, September 27, 2006, the date for the Special Senate Committee on the Anti-terrorism Act to submit its final report be extended from December 22, 2006, to March 31, 2007; and

That the Committee be empowered, in accordance with Rule 95(3), to meet on weekdays in January 2007, even though the Senate may then be adjourned for a period exceeding one week.—(*Honourable Senator Comeau*)

Hon. David P. Smith: Honourable senators, I rise to speak briefly on the motion to extend the reporting deadline of the Special Senate Committee on the Anti-terrorism Act. I would like to thank the Honourable Senator Joyal, who moved this motion on my behalf on Monday evening because I had to be out of the country for a family funeral.

I want to take a moment to clarify something. As many senators know, two provisions of the Anti-Terrorism Act are subject to sunset provisions, specifically those concerning preventive arrest and investigative hearings. I think that senators are familiar with these concepts. These provisions will expire on March 1 unless a motion extending them is adopted by both Houses before that date. A simple resolution is all that is required.

Although we have requested a new reporting deadline of March 31, it is our intention to table our report in the first week that we are back in February and the necessary motions can be made in both Houses within that time frame.

The committee would, however, like to have the opportunity to respond to other developments that may occur, most specifically a pending Supreme Court of Canada decision with respect to security certificates. We selected the date of March 31 because it is the end of the fiscal year. That was agreed upon in committee.

I can assure senators that the committee is cognizant of the legislative deadlines in the act and will ensure that this chamber has sufficient time to address these issues.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO STUDY PROVISIONS OF CONSTITUTION ACT, 1867 RELATING TO SENATE

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser:

That the Standing Senate Committee on Rules, Procedure and the Rights of Parliament be authorized to examine and report upon the current provisions of the *Constitution Act, 1867* that relate to the Senate and the need and means to modernize such provisions, either by means of the appropriate amending formula in the *Act* and/or through modifications to the *Rules of the Senate*. In particular, the Committee shall be authorized to examine:

- (a) section 23 of the *Constitution Act, 1867*, with respect to the qualifications of a Senator;
- (b) sections 26 and 27 of the *Constitution Act, 1867*, with respect to the addition of Senators in certain cases and the reduction of the Senate to its normal number;
- (c) section 29 (1) of the *Constitution Act, 1867*, with respect to tenure in the Senate;
- (d) section 31 of the *Constitution Act, 1867*, with respect to the disqualification of Senators;
- (e) section 34 of the *Constitution Act, 1867*, with respect to the appointment of the Speaker of the Senate;
- (f) section 36 of the *Constitution Act, 1867*, with respect to voting in the Senate;
- (g) any other related section of the *Constitution Act, 1867*; and

That the Committee submit its final report no later than June 21, 2007.—(*Honourable Senator Tkachuk*)

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I move that the motion be adopted. I do not have the opportunity to speak a second time.

Hon. Anne C. Cools: The honourable senator spoke before he moved the motion.

Senator Hays: That is correct. I think I may well have spoken before moving the motion. I know that is not a normal practice, but this is the way I presented my comments, and I made them on

matters that I wish to refer to the Rules Committee, I believe it would be timely in terms of the work we are doing on other matters involving the Senate for this matter to now be referred to that committee.

An Hon. Senator: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

• (1740)

SPEAKER'S DELEGATION TO BELGIUM AND REPUBLIC OF CROATIA

REPORT TABLED

Leave having been granted to revert to Tabling of Documents:

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, a document entitled "Official Visit Report to Belgium and the Republic of Croatia," August 21 to 30, 2006 and the Republic of Croatia from August 24 to 30, 2006.

SPEAKER'S DELEGATION TO ITALY, THE HOLY SEE AND THE SOVEREIGN MILITARY HOSPITALLER ORDER OF ST. JOHN OF JERUSALEM, OF RHODES AND OF MALTA

REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, a document entitled "Visit Report to Italy, the Holy See and the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta" from October 7 to 15, 2006.

INAPPROPRIATE USE OF OBSERVATIONS ACCOMPANYING COMMITTEE REPORTS

INQUIRY—DEBATE ADJOURNED

Hon. A. Raynell Andreychuk rose, pursuant to notice of October 26, 2006:

That she will call the attention of the Senate to the inappropriate use of observations accompanying committee reports.

She said: I am standing to ask for a rewinding of the clock, and I am asking for the adjournment.

The Hon. the Speaker: Is it agreed, honourable senators, that we restart the clock regarding Item No. 18 under Inquiries?

Hon. Senators: Agreed.

On motion of Senator Andreychuk, debate adjourned.

BUSINESS OF THE SENATE

Hon. Daniel Hays (Leader of the Opposition): I have some comments that I would like to make under my inquiry on Senate reform. They are lengthy and I know that they will probably take us to or beyond six o'clock, but I beg your indulgence.

Hon. Anne C. Cools: Perhaps somebody can clarify, either the Leader of the Government in the Senate or His Honour the Speaker, but it is now 20 to six or thereabouts, and at six o'clock we will rise.

I do not know what is happening in terms of this evening. The entire Senate staff out there believes that we are having a party. I was wondering if I could have some indication as to when we might sit. I know that Senator Segal has to deal with the motion that he has, which it is very important for him to have adopted since it has to do with him engaging in certain work of the committee in our break. I am wondering if we could have an idea of our timeline, what is going on here and what is the plan.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Six o'clock is approaching and I see we have Senator Hays with a number of comments, and possibly Senator Joyal. We have talked with Senator Segal, who does need to have his item dealt with this afternoon. Those would be the last three items, or there may be a fourth one, the last item.

My suggestion at this point is to that we continue to work. At six o'clock we might wish not to see the clock. Otherwise, we must come back at eight. My suggestion to the Senate is that we not see the clock.

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

December 14, 2006

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 14th day of December, 2006, at 5:24 p.m.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills assented to, Thursday, December 14, 2006:

An Act to amend the Judges Act and certain other Acts in relation to courts (*Bill C-17, Chapter 11, 2006*)

An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act (*Bill C-25, Chapter 12, 2006*)

An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence (*Bill C-24, Chapter 13, 2006*)

An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act (*Bill C-19, Chapter 14, 2006*)

[English]

ELECTED SENATE

PROPOSED MODEL—INQUIRY—DEBATE ADJOURNED

Hon. Daniel Hays (Leader of the Opposition) rose, pursuant to notice of December 13, 2006:

That he will call the attention of the Senate to the issue of developing a model for a modern elected Senate, a matter raised in the First Report of the Special Senate Committee on Senate Reform.

He said: This is an inquiry that I believe is timely and relevant, since two other matters concerning Senate reform are currently before this chamber in addition to what I wish to speak about, and that is the idea of an elected Senate or, more precisely, what a modern Senate would look like or what elements it would have in terms of the kind of thing we should have in mind, particularly when we consider steps towards the objective of something that has not yet been fully described.

Any attempt to develop a framework for an elected Senate should begin with mention of the primary reason why such an institutional change is a timely proposition. A desire for inclusion is how I would qualify the motivation underlying proposals for electing the Senate. As an Albertan, I am aware that Canadians from the Western provinces and the Atlantic region often feel like observers to the national decision-making process. The reason for this has to do with the very nature and structure of our government, which allows central Canada, whose population is far greater, to have a stronger voice in our national institutions.

As an aside, I will be talking about the objective of a fully elected Senate with the other elements that should accompany it, but I do acknowledge that there are good arguments for an appointed Senate using a different methodology than the one we have been using since 1867. For instance, some of the studies done here have rejected election: The 1972 Molgat-McGuigan report; the Government of British Columbia in 1978; and in 1979, the Pepin-Robarts Task Force, have all argued for an appointed Senate, while elected status has been at the centre of the 1985 Alberta Select Committee, the 1984 Molgat-Cosgrove Report, the 1985 MacDonald Commission and the 1992 Beaudoin-Dobbie Report.

This desire to return to the main point, this desire for inclusion and the means for achieving it were eloquently spelled out in the

1992 report of the Special Joint Committee on the Renewal of Canada, which said:

[English]

Neither Western nor Atlantic Canadians want out of Canada. They both want in. We must equip ourselves with the instruments of federalism possessed by every other successful federation to give the people of Canada's regions a real voice and influence in the national political life of our country, counterbalancing in fair and appropriate ways the weight that central Canadians now enjoy through representation by population.

• (1750)

One of the best ways to bring Canadians from outlying regions and provinces into the mainstream of our national life and institutions, in the view of many, would be through taking the necessary steps to ensure the election and greater democratic reinforcement of our Senate. This process, I would argue, can only be achieved in a lasting and equitable fashion through broad negotiations with all the interested parties that should be involved in such a decision.

Colleagues, I will not try to convince you that having an elected Senate would solve all of our problems, because it would not. What it would more likely achieve, however, is to give greater weight to the views and concerns of Canadians from outlying regions. I this regard, I must commend Senators Murray and Austin for having initiated a process by moving a motion that addresses this issue in a true Canadian spirit of fairness, openness and compromise.

[Translation]

I want to mention the speech Senator Murray gave yesterday on this matter. In my opinion, those of you who may have missed it should take the time to read it and enjoy it. This is one of the best speeches I have ever heard on this issue.

[English]

Although the purpose of this inquiry is to discuss the development of a model or framework for a modern Canadian Senate, Bill C-43, which was given first reading yesterday, cannot pass without comment, since it attempts to fulfill a promise made by the Prime Minister during the last election campaign.

According to the government, Bill C-43 builds on commitments it made during the last election to "make the Senate an effective, independent, and democratically elected body that equitably represents all regions." The bill, however, does not fulfill that promise. For those of us who have examined the bill, it gives the Senate a process of consultation. It leaves me confused as to whether that can be taken as "election," as is held out by many who believe in the bill, or whether it is not, as it must not be if the bill is to be passed and come into force without the necessary constitutional approval involving the provinces.

The so-called elections provided for in the bill, as consultative, are not binding. As the government's backgrounder says, "the appointment process remains the same."

[Translation]

This means the government would consult the public on who should be appointed. This will generally occur during federal elections to enhance the appearance of democratic legitimacy.

Honourable senators, I question whether this is a valuable change to our structure of governance. We will get to the bottom of it in due course, but it can be regarded as tinkering in the form of a non-binding referendum.

It is, moreover, evading a duty and responsibility to engage the provinces and all Canadians in the process of institutional reform. As well, it runs the risk of thwarting further meaningful reform, which is to say that with "consultation senators" will not be reluctant to flex the muscle of their new-found legitimacy by resisting changes that do not suit their views or agenda.

In examining Bill C-43, it is important to consider whether the changes it makes might lead to a constitutional challenge. I remind honourable senators that section 42(1)(b) of the Constitution Act, 1982, stipulates that the method of selecting senators can only be changed by Parliament if it has the support of seven provinces representing two thirds of the population.

Although the bill does not mention that senators will gain office through election, its spirit is clearly to move in that direction to achieve non-constitutionally what it lacks the vision, energy and resolve to do constitutionally. It is a well-established principle of our law that one cannot do indirectly what cannot be done directly. Besides, if the government moves to empower Elections Canada to hold senatorial consultations with the accompanying spending of federal money on such procedures, viewed by many as elections, this gives rise to the following question: Does such a change involve only the Prime Minister's discretion, or is it a fundamental change requiring constitutional action and procedures?

Arguably, the purpose of Bill C-43 is to change the method for selecting senators. This brings us to a constitutional issue that could see the initiative fail.

Honourable senators, true, equitable and lasting reform must be carefully considered and be ready to face the significant and inevitable hurdle of constitutional amendment requiring provincial consent. Accordingly, the best place in my view to start discussing an elected Senate would be by examining the process used to elect its members.

In addressing this issue, I would suggest that Senate elections be federal in nature and be governed by a single transferable vote, which is one of the two families of proportional representation. One of these systems requires the electors to vote for parties; the other for candidates. A single transferable vote requires a vote for candidates rather than party lists. I think that is by far the preferable option in that it provides the flexibility needed to ensure Canadian voters have all the options available to them. It is a complex system I will not get into.

I will discuss more fully the issue of minority group representation, which requires a certain size of constituency and a minimum number of positions to fill for the single transferable

vote, or STV, to work. I personally would prefer a constituency of five to seven Senate seats. That representation should be provincially rather than regionally based. Assuming the Murray-Austin motion passes, that would mean one Senate constituency for Newfoundland, one for Prince Edward Island, two for Nova Scotia, two for New Brunswick, six for Ontario, six for Quebec, one for Manitoba, one for Saskatchewan, two for Alberta, and two for British Columbia. These would be large enough to accommodate minority constituencies. I believe, however, that Senate representation should be provincially rather than regionally based. It is now based on divisions. That is a matter I spoke to in the notice of motion that we discussed a moment ago. That is something the Rules Committee will hopefully study.

Honourable senators will note that I refer to provinces and not regions. The reference to regions in 1867 was a good solution for that time. Ontario and Quebec required equal representation in the Senate, and the two Maritime provinces were too small to have the same number of seats individually.

As Professor Phillip Resnick, from the University of British Columbia, said before the Special Committee on Senate Reform:

I [am not] trying to retroactively re-think 1867. The arrangements made perfect sense, given the regional breakdown of the country back then and that Western Canada, at that point, was largely still an unpopulated tract of land with very a small population compared to central and even Maritime Canada.

However, much has changed in the last 140 years. Growth patterns have moved westward, and Newfoundland and Labrador, and the three territories, cannot fit into a region at all. I expect considerable discussion on how many constituencies each province should have, but the need to move to provincial and territorial representation seems clear and worthy of study.

Senator Watt is not here, but he would not want me to pass by this matter without explaining how difficult it will be to ensure that minority representation in this place would continue if we went in this direction. I will not say more than that. This challenge will have to be met if we are to continue to see this place representative of Canada and the way it has evolved.

Clearly, honourable senators, this degree of reform would require careful study and much thought. I do feel that this body, the Senate, is best equipped to deal with the reform of the Senate. As we know, the other place, and other experts, do not fully understand the nature of our role. I hope that we embrace the challenge and conduct a careful study in the future on how this place should evolve and the procedures that should be taken to achieve that evolution.

Another important issue in determining the nature and function of an elected Senate is the length of time senators would serve.

• (1800)

As honourable senators know, I support the principle of Bill S-4, although, like many senators, I find the term of eight years to be too brief. A term of 12 years has been frequently mentioned. The Prime Minister, when he came before the special committee, appeared to be open to that kind of amendment.

No discussion of a possible model for an elected Senate would be complete without review of the powers such a body would have. As the Wakeham report on reforming the House of Lords noted:

A second chamber which was wholly or even largely directly elected would certainly be authoritative and confident, but the source of its authority could bring it into direct conflict with the House of Commons.

Since the powers of the Canadian Senate to delay, amend and reject legislation are real and substantial, the election of Canadian senators will likely result in conflict in many instances and deadlock between the two chambers, given that senators will feel they have a popular mandate to exercise their powers.

Perhaps the simplest approach to the issue of powers within the model for an elected Senate would be to maintain the current situation, whereby the Senate enjoys co-equal powers with the House of Commons in all but money matters. However, this would require an effective mechanism to break deadlocks between the two Houses. Currently, all we have to break deadlocks is section 26 of the Constitution Act, 1867, which allows the appointment of eight extra senators. This is a draconian measure and one that is completely ineffective when, as is now the case, one party has a majority of more than eight. If the House of Commons now insists on its amendments and refuses a request for a free conference — a procedure that exists only in the rules of the Senate and the House of Commons — the Senate is left with rejecting the measure outright.

Many upper houses are no longer independent in the legislative process but must accede to the wishes of the lower house in terms of the final version of a bill. In many jurisdictions, the shuttle system, where bills pass between houses until both have adopted the same version, is restricted by constitutional provisions whereby the decision of the lower house will carry the day. For example, in the U.K., the powers of the lords have been severely curtailed through the Parliament Acts of 1911 and 1949 which provide that certain bills may be presented for Royal Assent without the consent of the lords. The lords have only a suspensive veto on public bills and can delay their enactment for up to 13 months.

On the other hand, the conference committee procedure is used extensively in the United States Congress and most conferences reach an agreement. Conference committees are called the Third House of Congress and are seen as low-cost negotiating institutions used to achieve stability on important legislation and effectively facilitate bicameral agreement. I believe that the conference model works better than the suspensive veto.

Canadian parliamentary practice does provide for conference committees, or “free conferences.” The process is described in rules 78(3) and (4) and rule 79, and described Beauchesne’s Sixth Edition at citations 745 to 752. The procedure has fallen into disuse in recent years, the last one being in 1947. Resurrecting it would allow the Senate to exchange in a more meaningful and open dialogue with the House of Commons than is presently the case.

At the present time, reasons for the Senate disagreeing with the House of Commons are drawn up and communicated to the other place by message, in accordance with rule 78(1). We have recently been through this experience with Bill C-2.

There is no direct dialogue with members of the House of Commons. Negotiations between the two Houses, if they do occur, are behind the scenes. Because the relations between the two Houses in terms of disagreement on legislative matters are unpredictable and hidden, senators are reluctant to formally amend legislation — more so than they should be, I believe. Only between 5 and 10 per cent of bills are formally amended in the Senate each session.

The use of conferences is within the federal power of amendment to the Constitution under section 44 of the Constitution Act, 1982, as it affects only the federal Parliament and executive government. Such an amendment would be in the spirit of a motion I moved and spoke to, as I said a moment ago, and has actually been passed in reference to our Rules Committee.

A section 44 amendment to the Constitution would be desirable in this case, providing that if there is disagreement on a public bill whereby either the Senate or the House of Commons insists on its amendment, a free conference must be called to attempt to reach an agreement between the two Houses. Timeframes would be established whereby a conference report must be made to each house. Each house either could either accept or reject the conference report. In the event of the two Houses being unable to agree on the final form of the bill, no action would be taken.

If the will of both Houses is that the House of Commons remain the superior body, issues could be resolved by a joint sitting of the two Houses, in which senators would inevitably be outnumbered by the Commons.

Honourable senators, what I have attempted to do in speaking to this inquiry is propose a preliminary discussion framework for development of a model of a modern and elected Senate. There are many other aspects of Senate reform I could mention, but I thought I would limit myself to a preliminary discussion of the fundamentals to perhaps help guide us through the next stage of reform initiated by the government through Bill S-4 or Bill C-43 and its strong desire to move on the issue.

Honourable senators, I sincerely believe that we must continue to expand our understanding of the Senate and how it may evolve and change. We must not hesitate to examine all the elements of comprehensive Senate reform, which is to say how senators might be elected, the powers an elected Senate might have and how seats might be distributed among the province or regions. Most of all, we must not be afraid to engage the provinces and all Canadians in this process. Senate reform should be carried out not through sound-bite solutions or piecemeal proposals, but rationally and thoroughly and in keeping with the history and evolution of our country.

As the Report of the Royal Commission on Reform of the House of Lords said:

The more successful second chambers are those which best fit with the history, traditions and political culture of the country concerned and complement most effectively the characteristics of its lower chamber.

Honourable senators, those words of vision provide an accurate description of the challenge ahead. I urge all of you to join me in this exercise to further explore the means of modernizing the Senate of Canada in accordance with the history and evolution of our country and institutions.

Hon. Anne C. Cools: Would the honourable senator take a question?

Senator Hays: Yes.

Senator Cools: I thank the honourable senator for his words. I know that he has given a lot of thought to these questions and has put in a fair amount of work.

I have not yet spoken on this subject matter; I shall in the New Year. In the honourable senator's work, has he tackled or attempted to comprehend or grasp the phenomenon of the workings of an elected Senate and an elected House of Commons with an unelected Prime Minister? We all forget that the position of Prime Minister in this country is an appointment. He has a commission on his wall, as we do. It is an appointed position, and it takes its legitimacy from another place.

We are not comparable to the U.S. There is not a prime minister in the U.S., but there is a president. Has the honourable senator looked at this matter? I would say it is unworkable. If he has not, I understand.

Senator Hays: I have read a comment on that point. No, Canada would not be true to itself if it attempted to adopt a congressional system such as we see in the U.S.

Whether the second chamber is elected, appointed, as is the case now or in a different way, its role in the bicameral structure, and its role in the institutional structure would not change. If we had a more effective deadlock-breaking mechanism, I think the Senate would be in a better position to use its power. From where I sit, it is very difficult knowing that we have the same powers as the House of Commons. It is difficult for my colleagues to know whether or not the powers should or should not be used and to what extent. We saw this play out today and have seen it on many other occasions.

• (1810)

I believe that an arrangement between the two Houses that gave the Senate a greater role would force the House of Commons to consider more carefully, what it said to the Senate. It would force the Canadian public service to think more carefully about what they do in supporting the government in terms of legislation. This would give us better governance.

Senator Cools: I do not believe the honourable senator responded to my question. We can deal with this in the future because the time is drawing late.

My question deals with the role of an unelected Prime Minister functioning with an elected House of Commons and an elected Senate. It is a very particular constitutional question and I have yet to hear anyone address it, however, we can get there in the future.

Hon. Roméo Antonius Dallaire: Honourable senators, I am finding it very difficult to understand why anyone would want to go through an election process in the first place, unless there was an obvious demonstration that the Senate would gain a lot more power.

If you want to expend the funds to go through an election process and go through an extensive process of being elected and truly push the limits of democracy to mean that elections would not be some sort of circuitous route of providing advice and so on, but actually being elected, then why would one want to put oneself through all that and present oneself in front of the electorate if one knows that one has extensively limited powers in the legislative process?

If we move down that route, it would seem to me the only logical process would be to balance out the powers of legislation within the two Houses. To me that means the House of Commons loses and the Senate wins. That is a process that ultimately could move us to republicanism.

Senator Hays: I will make a brief comment and then I will not take further questions.

The Senate has the power to function in the same way as the U.S. Senate. The power exists. Our Constitution provides for that. We have had a practice of deferring to the lower House because it is elected. In my view, it is because we are an appointed body. I think that was always in the minds of the Fathers of Confederation when they phased out the election of the House of Councillors in the United Canadas and made this an appointed body. The Fathers of Confederation wanted to ensure that when it came to a conflict that the elected House would prevail.

The power is there. It is a question of whether or not we want the Canadian Senate to use it, either as an elected or an appointed body. As an appointed body, we have tended to defer to the House of Commons but not always. An elected Senate clearly would use the power and then we would have to deal with the other matters that would create deadlock.

We could still benefit our system if we provided for a deadlock mechanism that made the Senate more relevant to the legislative process by not having to defer so often. I think, as I said a moment ago, if we were in that position everyone would pay more attention to the legislative process, to legislation from the bureaucracy to the House of Commons.

On motion of Senator Tkachuk, debate adjourned.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF MATTERS RELATING TO AFRICA

Hon. Hugh Segal, pursuant to notice of December 12, 2006, moved:

That, notwithstanding the order of the Senate adopted on Thursday, September 28, 2006, the Standing Senate Committee on Foreign Affairs and International Trade, which was authorized to examine and report on issues

dealing with the development and security challenges facing Africa; the response of the international community to enhance that continent's development and political stability; Canadian foreign policy as it relates to Africa; and other related matters, be empowered to extend the date of presenting its final report from December 22, 2006 to February 15, 2007; and

That the Committee retain until March 31, 2007 all powers necessary to publicize its findings.

He said: Honourable senators, the purpose of this motion is to put off the date for the final report on the Africa inquiry made by our committee to February 15, to make up for the time which the committee afforded relative to the consideration of the softwood lumber legislation, which emerged rather quickly this week. This will allow staff and members of the committee to continue to work with the authorization of this place.

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

THE SENATE

IRAN—MOTION TO CONDEMN HOLOCAUST DENIAL CONFERENCE ADOPTED

Hon. Jeremiah S. Grafstein, pursuant to notice of December 12, 2006, moved:

That the following Resolution be adopted by the Senate:

RESOLUTION TO CONDEMN THE HOLOCAUST DENIAL CONFERENCE HELD DECEMBER 11-12, 2006 IN IRAN

Whereas Iranian President Mahmoud Ahmadinejad has sponsored an international Holocaust denial conference entitled "Study of Holocaust: A Global Perspective", on December 11 and 12, 2006, in Tehran;

Whereas the Iranian Government is openly supportive of Holocaust revisionists, who resolve that the systematic state sponsored murder of 6,000,000 Jews and other targeted groups by Nazi Germany and its collaborators during World War II was either fabricated or exaggerated;

Whereas in August 2006, Iran staged a reprehensible international contest of cartoons on the Holocaust, endorsing and promoting prevailing anti-Semitic and anti-Israeli stereotypes and Holocaust denial;

Whereas President Ahmadinejad wrote in a letter in July 2006 to German Chancellor Angela Merkel, "Is it not a reasonable possibility that some countries that had won the war (World War II) made up this excuse to constantly embarrass the defeated people ... to bar their progress.";

Whereas on October 26, 2005, in a conference entitled, "The World without Zionism", President Ahmadinejad stated in a speech that "Israel must be wiped off the map.";

Whereas thereafter, these anti-Semitic comments were broadly condemned by the United Nations and others, including resolutions of various Parliaments;

Whereas President Ahmadinejad's current sponsorship of an international Holocaust denial conference is only the latest abominable act he has taken in a series of threatening and anti-Semitic, Holocaust denial statements and actions since he rose to power;

Whereas to deny the Holocaust's occurrence is in itself an act of anti-Semitism;

Whereas one who denies the Holocaust, denies the greatest tragedy of the Jewish people and the most extreme act of anti-Semitism in history;

Whereas President Ahmadinejad's past and present declarations and actions—spewing outrageous anti-Semitic, anti-Israel rhetoric, remaining a primary source of funding, training, and support for terrorist groups seeking to destroy Israel, and openly threatening Israel and other democracies — prove President Ahmadinejad is on a national crusade of hatred and ultimate destruction against Israel and the Western civilized world;

Whereas the longstanding policy of the Iranian regime aimed at destroying the democratic State of Israel, highlighted by statements made by President Ahmadinejad, underscores the threat posed by a nuclear Iran:

Now, therefore, be it resolved, that the Senate of Canada—

- (1) Condemns in the strongest terms the international Holocaust denial conference held in Iran on December 11—12, 2006, and any and all vile anti-Semitic statements made by Iranian President Mahmoud Ahmadinejad and other Iranian leaders;
- (2) Calls on the United Nations to officially and publicly repudiate all of Iran's anti-Semitic statements made at such conference and hold accountable United Nations member states that encourage or echo such statements;
- (3) Calls on the United Nations Security Council to strengthen its commitment to taking measures necessary to prevent Iran from possessing nuclear power;
- (4) Calls on the Government of Canada to condemn the anti-Semitic Holocaust denial conference;
- (5) Reaffirms the Canada's longstanding friendship and support for the State of Israel; and vows to never forget the horrendous murder of millions in the Holocaust and affirms that such genocide should never happen again.

Hon. Anne C. Cools: When is Senator Grafstein planning to speak to the motion? Will we have a debate? Could the honourable senators provide us some background to this? I have read the motion and there are many propositions contained in one. I would have loved some debate on this because it is so frightfully important and some of the things going on are just so terrible.

Senator Grafstein: I will speak on this very briefly. The resolution is self-explanatory and I will explain why.

I rise to address this resolution to condemn the President of Iran for a conference that he held, which was a Holocaust denial conference, this week, on December 11 and 12 in Iran, which in itself is self-explanatory.

Parliaments, government leaders and political leaders around the world have risen to quickly condemn the President of Iran's actions, which started immediately after he gained his presidency almost two years ago.

What to do? The same rationale propelled me to publish my first book in 1995, entitled *Beyond Imagination: Canadians Write About the Holocaust*. In the foreword I wrote these words and I will repeat them for your consideration in support of this resolution.

How does one challenge evil? How does one repair the cracks when evil seeps into the world? When confronted with evil, evil beyond imagination, good can only overcome we are taught, by each soul attempting small gestures, or tiny acts, minor deeds, to set about to repair the damage.

This was the challenge of the ancient Jewish Talmudists to Jews who were confronted with evil in their time. I am confronted with evil in my time and this is a small, modest gesture done by Parliaments and leaders. Both the Leader of the Government and the Leader of the Opposition have condemned this act in the last two days, and I would hope that we could send this message to Iran immediately to immediately condemn the president's actions.

Hon. Senators: Hear, hear.

Senator Cools: I think it is fair to say that everyone we know condemns the evil of which Senator Grafstein speaks. I would have loved to hear a bit more because I know the honourable senator may be following this very closely, but I know little about that conference or who spoke there or the debates. I thought this was an opportunity for him to put a very important subject matter on the floor.

In any event, honourable senators, these questions in respect to man's inhumanity to man are so enormous that we need to give them the time and consideration they deserve. I know very little of some of this. In any event, Senator Prud'homme is not here. He is away being honoured this evening, honourable senators, by the Ambassador of Hungary. He is being honoured, as we speak, for his efforts in 1956 in support of the Hungarian people around the revolution and the assistance to refugees and so forth. He wanted to be with us this afternoon. Senator Prud'homme had hoped to have the opportunity to speak to this motion because he is very supportive of the resolution. The motion has a long preamble but

Senator Prud'homme had said that he would love to speak to the five substantive parts of the motion, in overwhelming support of No. 1 and then with questions on the other parts.

• (1820)

Honourable senators, Senator Prud'homme has asked me to move the adjournment of the debate in his name.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: It is moved by Senator Cools, for Senator Prud'homme, that debate be adjourned to the next sitting of the Senate. Will an honourable senator second the motion?

Seeing no one, I will return to the main motion.

It is moved by the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, that the following resolution be adopted by the Senate:

Resolution to condemn the Holocaust Denial Conference —

Shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Tuesday, January 30, 2007, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, December 14, 2006

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs	06/12/06	0 observations			
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23	06/12/12	8/06

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3 rd (including 1 amend. to report) 06/11/09 disagree with Total 158	06/11/09 Message from Commons- agree with 52 amendments, 06/11/09 disagree with 102, agree and disagree with 1, and amend 3 06/11/21 Referred to committee 06/11/23 Report adopted 06/12/07 Message from Commons- agree with amendments Senate 06/12/11	06/12/12	9/06
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications	06/12/12	3 observations	06/12/13		
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03	06/12/12	5/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06							
C-12	An Act to provide for emergency management and to amend and repeal certain Acts	06/12/11							
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs					
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21	06/12/11	National Finance	06/12/12	0 observations	06/12/13	06/12/14*	11/06
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs	06/12/14	0 observations	06/12/14	06/12/14*	14/06
C-24	An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence	06/12/06	06/12/12	National Finance	06/12/14	0 observations	06/12/14	06/12/14*	13/06
C-25	An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act	06/11/21	06/11/28	Banking, Trade and Commerce	06/12/14	0 observations	06/12/14	06/12/14*	12/06
C-28	A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/12/11							
C-34	An Act to provide for jurisdiction over education on First Nation lands in British Columbia	06/12/06	06/12/11	Aboriginal Peoples	06/12/12	0	06/12/12	06/12/12	10/06
C-38	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.2, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	6/06
C-39	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.3, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	7/06

COMMONS PUBLIC BILLS

[illegible]

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 ^d	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources					
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05	06/12/14	Human Rights					
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25	06/12/14	Energy, the Environment and Natural Resources					
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25	06/12/13	Energy, the Environment and Natural Resources					
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology	06/12/14	0	06/12/14		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30	06/12/13	Aboriginal Peoples					
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans	06/12/11	16	06/12/14		
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							
PRIVATE BILLS									
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S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07		

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